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THE MEXICAN CONSTITUTION OF 1917
COMPARED WITH
THE CONSTITUTION OF 1857

TRANSLATED AND ARRANGED

BY

H. N. BRANCH, LL.B.

WITH A FOREWORD

BY

L. S. ROWE, PH.D., LL.D.



PHILADELPHIA

THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE
1917

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FOREWORD

The widespread interest in Mexican affairs has led the Editorial Council of the Academy to arrange for the early publication of the Mexican Constitution adopted at the recent Constitutional Convention held in Queretaro. In a sense this publication supplements the special volume issued by the Academy in January last on "The Purposes and Ideals of the Mexican Revolution."

Since the first movement for independence from the mother country in 1810, Mexico has passed through an extraordinary constitutional development. The idea of a Republican form of government made its way but slowly amongst the founders of Mexican independence. Between 1810 and 1824 the opinion of the country wavered between a constitutional monarchy and a republic. It is true that the earliest Mexican Constitution—that adopted in Apatzingan by the first Constitutional Convention—provided for a republican form of government with an Executive composed of three persons elected by the National Congress. Amongst the members of this triumvirate, a system of rotation in office was established under which each exercised the powers of Chief Executive during a consecutive period of four months.

This Constitution was regarded as provisional. As soon as the struggle for independence was over, the leaders planned to call another convention for the purposes of effecting the final organization of the country. During the period between 1815 and 1857, the country was torn by internal strife and almost every conceivable form of Constitutional systems was tried, ranging from a republican triumvirate to the imperial system of Iturbide.

The development of Federalism in Mexico stands in marked contrast with the political evolution of the United States. In Mexico, federalism meant the sub-division of what had been, under Spanish rule, a centralized, unified system; in the United States, the establishment of a federal system signified a closer union between separated political units. In spite of the adoption of a federal system by Mexico in 1857, the highly centralized traditions of Spanish rule perpetuated themselves and finally resulted, under

the Diaz administration, in the complete subordination of the individual states to the national government.

The leaders of the revolutionary movement against the Diaz régime were convinced that the Constitution of 1857 had been used by self-seeking politicians for personal ends and that its provisions had contributed toward the domination of the country by a self constituted oligarchy. It is not surprising, therefore, to find radical changes in the Constitution of 1917. The revolutionary leaders, headed by Venustiano Carranza, hold that the avowed purposes of the revolutionary movement, namely to secure for the masses of the Mexican people better economic and social conditions, must be incorporated into the organic law and it is their hope that thereby the country will be protected against a possible reactionary movement. To what extent these hopes will be realized, the future alone can determine.

The Academy is under obligation to Mr. H. N. Branch for his admirable translation of the Constitution of 1917. His painstaking effort has also made it possible for the Academy to place before its members the illuminating comparison between the Constitutions of 1857 and 1917.

L. S. ROWE.

University of Pennsylvania.

May, 1917.

PREFACE

In this translation, the effort has been made to use terms familiar to the English-speaking world, *e.g.*, "House of Representatives," "Attorney General," "impeachment," etc., even though such phrases do not always connote precisely the same thing in the Mexican constitutional system as in that of the United States. Any attempt to coin new and strained English terms would be confusing.

The substantial innovations introduced into the 1917 text are shown in italics, while the important omissions from the 1857 text are set in black face type.

Acknowledgment is made to José Ignacio Rodríguez, ex-Chief Translator and Librarian of the Pan American Union, for his rendering of the 1857 constitution, from which the present version of this document was largely drawn.

H. N. BRANCH.

The Sorrento, Washington, D. C.
March, 1917

MEXICAN CONSTITUTION OF 1917 COMPARED WITH CONSTITUTION OF 1857

CONSTITUTION OF 1857

CONSTITUTION OF 1917

PREAMBLE

In the name of God and by the authority of the Mexican people.

The representatives of the different States, of the District and of the Territories which compose the Republic of Mexico, called upon by the provisions of the Plan proclaimed in Ayutla the first of March, eighteen hundred and fifty-four, amended in Acapulco the eleventh day of the same month and year, and by the call issued the seventeenth of October, eighteen hundred and fifty-five, to convene for the purpose of framing a constitution for the nation and making it a popular representative, democratic republic, exercising the powers with which they are vested, do hereby comply with the requirements of their high office, by decreeing the following political Constitution of the Mexican Republic, on the indestructible basis of its legitimate independence, proclaimed the sixteenth of September, eighteen hundred and ten, and consummated the twenty-seventh of September, eighteen hundred and twenty-one.

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TITLE I

SECTION I

Of the Rights of Man

Article 1. The Mexican people recognize that the rights of man are the basis and the object of social institutions. Consequently they declare that all the laws and all the authorities of the country must respect and maintain the guarantees which the present constitution grants.

Art. 2. In the Republic all are born free. Slaves who set foot upon the national territory shall recover, by this act alone, their freedom, and enjoy the protection of the law.

Art. 3. Instruction is free. The law shall determine what professions shall require licenses for their exercise, and what requisites are necessary to obtain said licenses.

Art. 4. Every one is free to engage in any honorable and useful profession, industrial pursuit, or occupation suitable to him, and to avail himself of its products. The exercise of this liberty shall not be hindered except by judicial sentence when

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TITLE I

CHAPTER I

Of Personal Guarantees

Article 1. *Every person in the United States of Mexico shall enjoy all guarantees granted by this Constitution; these shall neither be abridged nor suspended except in such cases and under such conditions as are herein provided.*¹

Art. 2. Slavery is forbidden in the United States of Mexico. Slaves who enter the national territory shall, by this act alone, recover their freedom, and enjoy the protection of the law.

Art. 3. Instruction is free; *that given in public institutions of learning shall be secular. Primary instruction, whether higher or lower, given in private institutions shall likewise be secular.*

No religious corporation nor minister of any religious creed shall establish or direct schools of primary instruction.

Private primary schools may be established only subject to official supervision.

Primary instruction in public institutions shall be gratuitous.

Art. 4. No person shall be prevented from engaging in any profession, industrial or commercial pursuit or occupation of his liking, *provided it be lawful.* The exercise of this liberty shall only be forbidden by judicial

¹ See Art. 29.

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such exercise infringes the rights of a third party, or by executive order, issued in the manner specified by law, when it offends the rights of society.

Art. 5. No one shall be compelled to render personal services without due compensation and without his full consent, excepting labor imposed as a penalty by judicial decree.

Subject to the conditions set forth in the respective laws, only military service shall be obligatory; and municipal service, service in connection with elections, and jury service shall be obligatory and without compensation.

The State shall not permit any contract, covenant, or agreement to be carried out having for its object the abridgment, loss or irrevocable sacrifice of the liberty of man, whether by reason of labor, education or religious vows.

The law, therefore, does not recognize, nor consent to the establishment of, monastic orders, of whatever denomination or for whatever purpose contemplated. Nor shall any person legally agree to his own proscription or exile. [*As amended, June 10, 1898.*]

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order when the rights of third persons are infringed, or by executive order, issued under the conditions prescribed by law, when the rights of society are violated. No one shall be deprived of the fruit of his labor except by judicial decree.

Each State shall determine by law what professions shall require licenses, the requisites to be complied with in obtaining the same, and the authorities empowered to issue them.

Art. 5. No one shall be compelled to render personal services without due compensation and without his full consent, excepting labor imposed as a penalty by judicial decree, *which shall conform to the provisions of clauses I and II of Article 123.*

Only the following public services shall be obligatory, subject to the conditions set forth in the respective laws: military service, *jury service, service in municipal and other public elective office, whether this election be direct or indirect*, and service in connection with elections, which shall be obligatory and without compensation.

The State shall not permit any contract, covenant or agreement to be carried out having for its object the abridgment, loss or irrevocable sacrifice of the liberty of man, whether by reason of labor, education or religious vows. The law, therefore, does not permit the establishment of monastic orders, of whatever denomination, or for whatever purpose contemplated.

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Nor shall any person legally agree to his own proscription or exile, or to the temporary or permanent renunciation of the exercise of any profession or industrial or commercial pursuit.

A contract for labor shall only be binding to render the services agreed upon for the time fixed by law and shall not exceed one year to the prejudice of the party rendering the service; nor shall it in any case whatsoever embrace the waiver, loss or abridgment of any political or civil right.

In the event of a breach of such contract on the part of the party pledging himself to render the service, the said party shall only be liable civilly for damages arising from such breach, and in no event shall coercion against his person be employed.

Art. 6. The expression of ideas shall not be the subject of any judicial or executive investigation, unless it offend good morals, impair the rights of third parties, incite to crime or cause a breach of the peace.

Art. 6. [Identical]

Art. 7. Freedom of writing and publishing writings on any subject is inviolable. No law or authority shall have the right to establish censorship, require bond from authors or printers, nor restrict the liberty of the press, which shall be limited only by the respect due to private life, morals, and public peace. Cases of offenses committed through the public press shall be tried by the competent courts of the Union, the States, the

Art. 7. Freedom of writing and publishing writings on any subject is inviolable. No law or authority shall have the right to establish censorship, require bond from authors or printers, nor restrict the liberty of the press, which shall be limited only by the respect due to private life, morals and public peace. *Under no circumstances shall a printing press be sequestered as the corpus delicti.*

The organic laws shall pre-

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Federal District or the Territory of Lower California, according to penal law. [*As amended, May 15, 1883.*]

Art. 8. The right of petition, exercised in writing in a peaceful and respectful manner, is inviolable; but in political matters only citizens of the Republic may exercise it. To every petition an answer shall be given in writing, in the form of a decision, by the official to whom it may have been addressed, and the said official shall be bound to make the petitioner acquainted with the result.

Art. 9. No one shall be deprived of the right peaceably to assemble or to come together for any lawful purpose; but only citizens² shall be permitted to exercise this right for the purpose of taking part in the political affairs of the country. No armed assembly shall have the right to deliberate.

² See Arts. 34 and 35 for definition and prerogatives of citizenship.

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scribe whatever provisions may be necessary to prevent the imprisonment, under pretext of a denunciation of offenses of the press, of the vendors, newsboys, workmen and other employees of the establishment publishing the writing denounced, unless their responsibility be previously established.

Art. 8. Public officials and employees shall respect the exercise of the right of petition, provided it be in writing and in a peaceful and respectful manner; but this right may be exercised in political matters solely by citizens.

To every petition there shall be given an answer in writing by the official to whom it may be addressed, and the said official shall be bound to inform the petitioner of the decision taken *within a brief period.*

Art. 9. The right peaceably to assemble or to come together for any lawful purpose shall not be abridged; but only citizens shall be permitted to exercise this right for the purpose of taking part in the political affairs of the country. No armed assembly shall have the right to deliberate.

No meeting or assembly shall be deemed unlawful, nor may it be dissolved, which shall have for its purpose the petitioning of any authority or the presentation of any protest against any act, provided no insults be proffered against the said authority, nor violence resorted to, nor threats used to intimidate or to compel

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Art. 10. Every one has the right to possess and carry arms for his safety and legitimate defense. The law shall designate what arms are prohibited, and the punishment to be incurred by those who carry them.

Art. 11. Every one has the right to enter and leave the Republic, to travel through its territory and change his residence without necessity of a letter of security, passport, safe conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in the event of civil or criminal responsibility, and to those of the executive, in so far as relates to the limitations imposed by law in regard to emigration, immigration, and the public health of the country. [*As amended, November 12, 1908.*]

Art. 12. No titles of nobility, or prerogatives, or hereditary honors exist in the Republic nor shall they be recognized therein. Only the people, legally represented, may decree recompenses in honor of those who have rendered or may render eminent services to the country or to humanity.

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the said authority to render a favorable decision.

Art. 10. The inhabitants of the United States of Mexico are entitled to have arms of any kind in their possession for their protection and legitimate defense, excepting such as are expressly prohibited by law and such as the nation may reserve for the exclusive use of the army, navy and national guard; but they shall not bear such arms within inhabited places, except subject to the police regulations thereof.

Art. 11. Every one has the right to enter and leave the Republic, to travel through its territory and change his residence without necessity of a letter of security, passport, safe conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in the event of civil or criminal responsibility, and to those of the executive, in so far as relates to the limitations imposed by law in regard to emigration, immigration, and the public health of the country, *or in regard to undesirable foreigners resident in the country.*

Art. 12. No titles of nobility, prerogatives or hereditary honors shall be granted in the United States of Mexico, *nor shall any effect be given to those granted by other countries.*

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Art. 13. In the Mexican Republic no one shall be tried according to private laws or by special tribunals. No person or corporation shall have privileges nor enjoy emoluments which are not in compensation for a public service and established by law. Military jurisdiction shall be recognized only for the trial of criminal cases having direct connection with military discipline. The law shall clearly define the cases included in this exception.

Art. 14. No retroactive law shall be enacted. No person shall be tried or sentenced except under laws previously enacted, exactly applicable to the case, and by a tribunal previously established by law.

Art. 15. No treaty shall ever be made for the extradition of

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Art. 13. No one shall be tried according to private laws or by special tribunals. No person or corporation shall have privileges nor enjoy emoluments which are not in compensation for public services and established by law. Military jurisdiction shall be recognized for the trial of criminal cases having direct connection with military discipline, *but the military tribunals shall in no case and for no reason extend their jurisdiction over persons not belonging to the army. Whenever a civilian shall be implicated in any military crime or offense, the cause shall be heard by the corresponding civil authorities.*

Art. 14. *No law shall be given retroactive effect to the prejudice of any person whatsoever.*

No person shall be deprived of life, liberty, property, possessions or rights without due process of law instituted before a duly created court, in which the essential elements of procedure are observed and in accordance with previously existing laws.

In criminal cases no penalty shall be imposed by mere analogy or even by a priori evidence, but the penalty shall be decreed by a law in every respect applicable to the crime in question.

In civil suits the final judgment shall be according to the letter or the juridical interpretation of the law; in the absence of the latter, the general legal principles shall govern.

Art. 15. No treaty shall be authorized for the extradition

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political offenders, or of offenders of the common class, who have been slaves in the country where the offense was committed; nor shall any agreement or treaty be entered into which abridges or modifies the guarantees and rights which this constitution grants to the individual and to the citizen.

Art. 16. No one shall be molested in his person, family, domicile, papers or possessions, except by virtue of an order in writing of the competent authority, setting forth the legal grounds upon which the measure is taken. In cases *in flagrante delicto* any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities.

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of political offenders, or of offenders of the common class, who have been slaves in the country where the offense was committed. Nor shall any agreement or treaty be entered into which abridges or modifies the guarantees and rights which this constitution grants to the individual and to the citizen.

Art. 16. No one shall be molested in his person, family, domicile, papers or possessions, except by virtue of an order in writing of the competent authority setting forth the legal ground and justification for the action taken. *No order of arrest or detention shall be issued against any person other than by competent judicial authority, nor unless preceded by a charge, accusation or complaint for a specific offense punishable by imprisonment, supported by an affidavit of a credible party or by such other evidence as shall make the guilt of the accused probable; in cases in flagrante delicto any person may arrest the offender and his accomplices, placing them without delay at the disposition of the nearest authorities. Only in urgent cases instituted by the public attorney without previous complaint or indictment³ and when there is no judicial authority available may the administrative authorities, on their strictest accountability, order the detention of the accused, placing him at the disposition of the judicial authorities. Every search warrant, which may only be issued by the ju-*

See note to Art. 21, p. 114.

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judicial authority and which must be in writing, shall specify the place to be searched, the person or persons to be arrested and the objects sought, to which the proceeding shall be strictly limited; at the conclusion of which, a detailed written statement shall be drawn up in the presence of two witnesses proposed by the occupant of the place to be searched, or, in his absence or refusal, by the official making the search.

Administrative officials may enter private houses solely for the purpose of determining that the sanitary and police regulations have been complied with; they may likewise demand the exhibition of books and documents necessary to prove that the fiscal regulations have been obeyed, subject to the respective laws and to the formalities prescribed for cases of search.

Art. 17. No one shall be imprisoned for debts of a purely civil character. No one shall resort to violence in the enforcement of his rights. The tribunals shall always be open for the administration of justice, which shall be gratuitous, judicial costs being consequently abolished.

Art. 17. No one shall be imprisoned for debts of a purely civil character. *No one shall take the law into his own hands, nor resort to violence in the enforcement of his rights. The courts shall be open for the administration of justice at such times and under such conditions as the law may establish; their services shall be gratuitous and all judicial costs are accordingly prohibited.*

Art. 18. Imprisonment shall take place only for crimes deserving corporal punishment. In any stage of the case in which it shall appear that such a punishment can not be imposed upon the accused, he shall be set at

Art. 18. *Detention shall be exercised only for offenses meriting corporal punishment. The place of detention shall be different and completely separated from that set apart for the serving of sentences.*

The Federal and State Govern-

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liberty on bail.⁴ In no case shall the imprisonment or detention be prolonged for failure to pay fees, or any other pecuniary charge.⁵

Art. 19. No detention shall exceed three days, unless justified by a warrant, issued in accordance with law, and giving the grounds for the imprisonment. The mere lapse of this time shall render the authority that orders or consents to it and the agents, ministers, wardens, or jailers who execute it, responsible therefor. Any maltreatment during apprehension or confinement; any molestation inflicted without legal justification; or any exaction or contribution levied in prison, is an abuse which the laws must correct and the authorities severely punish.

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*ments shall organize in their respective territories the penal system—penal colonies or prisons—on the basis of labor as a means of regeneration.*⁶

Art. 19. No detention shall exceed three days except for reasons specified in the formal order of commitment, *which shall set forth the offense charged, the substance thereof, the time, place and circumstances of its commission, and the facts disclosed in the preliminary examination; these facts must always be sufficient to establish the corpus delicti and the probable guilt of the accused.* All authorities ordering any detention or consenting thereto, as well as all agents, subordinates, wardens or jailers executing the same, shall be liable for any breach of this provision.

The trial shall take place only for the offense or offenses set forth in the formal order of commitment. If it shall develop in the course of trial that another offense different from that charged has been committed, a separate accusation must be brought. This, however, shall not prevent the joinder of both causes of action, if deemed advisable.

Any maltreatment during apprehension or confinement; any molestation inflicted without legal justification; any exaction or contribution levied in prison are abuses which the law shall correct and the authorities repress.

⁴ Compare Sec. I, Art. 20, of 1917.

⁵ Substantially identical with Sec. X, Art. 20, of 1917.

⁶ See Art. 5 and Clauses I and II of Art. 123 of 1917.

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Art. 20. In every criminal trial the accused shall enjoy the following guarantees:

I. The grounds of the proceedings and the name of the accuser, if there be such, shall be made known to him.

II. His preliminary examination shall be made within forty-eight hours, to be counted from the time he is placed at the disposition of the judge.

III. He shall be confronted with the witnesses who testify against him.

IV. He shall be furnished with all information of record, which he may need for his defense.

V. He shall be heard in his defense, either personally or by counsel, or by both, as he may desire. In case he shall have no one to defend him, a list of public counsel shall be shown to him, in order that he may choose one or more to act as his counsel.

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Art. 20. In every criminal trial the accused shall enjoy the following guarantees:

I. *He shall be set at liberty on demand and upon giving a bond up to ten thousand pesos, according to his status and the gravity of the offense charged, provided, however, that the said offense shall not be punishable with more than five years' imprisonment; he shall be set at liberty without any further requisite than the placing of the stipulated sum at the disposal of the proper authorities or the giving of an adequate mortgage bond or personal security.*⁷

II. *He may not be forced to be a witness against himself; wherefore denial of access or other means looking towards this end is hereby strictly prohibited.*

III. He shall be publicly notified within forty-eight hours after being turned over to the judicial authorities of the name of his accuser and of the nature of and cause for the accusation, so that he may be familiar with the offense with which he is charged, may reply thereto and make his preliminary statement.

IV. He shall be confronted with the witnesses against him, who shall testify *in his presence if they are to be found in the place where the trial is being held, so that he may cross-examine them in his defense.*

V. *All witnesses which he shall offer shall be heard in his defense, as well as all evidence received, for which he shall be given such time as the law may prescribe;*

⁷ See note to Art. 18 of 1857.

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he shall furthermore be assisted in securing the presence of any person or persons whose testimony he may request, provided they are to be found at the place of trial.

VI. *He shall be entitled to a public trial by a judge or jury of citizens who can read and write and are also citizens of the place and district where the offense shall have been committed, provided the penalty for such offense be greater than one year's imprisonment. The accused shall always be entitled to trial by jury for all offenses committed by means of the press against the public peace or against the safety, domestic or foreign, of the Republic.*

VII. *He shall be furnished with all information of record needed for his defense.*

VIII. *He shall be tried within four months, if charged with an offense the maximum penalty for which does not exceed two years' imprisonment, and within one year, if the maximum penalty be greater.*

IX. *He shall be heard in his own defense, either personally or by counsel, or by both, as he may desire. In case he shall have no one to defend him, a list of official counsel shall be submitted to him in order that he may choose one or more to act in his defense. If the accused shall not desire to name any counsel for his defense, after having been called upon to do so at the time of his preliminary examination, the court shall appoint counsel to defend him. The accused may name his counsel immediately on arrest and shall*

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be entitled to have him present at every stage of the trial; but he shall be bound to make him appear as often as required by the court.

X. In no event may imprisonment or detention be extended through failure to pay counsel fees or through any other pecuniary charge, by virtue of any civil liability or other similar cause.⁸ *Nor shall detention be extended beyond the time set by law as the maximum for the offense charged.*

The period of detention shall be reckoned as a part of the final sentence.

Art. 21. The imposition of penalties properly so called pertains exclusively to the judiciary. The political or executive authorities shall only have power to impose fines and imprisonment, as disciplinary measures, the former of no more than five hundred dollars, and the latter for no more than one month, in the cases and in the manner which the law shall expressly determine.

Art. 21. The imposition of all penalties is an exclusive attribute of the judiciary. *The prosecution of offenses belongs to the public prosecutor and to the judicial police, who shall be under the immediate command and authority of the public prosecutor. The punishment of violations of municipal and police regulations belongs to the administrative authorities, and shall consist only of a fine or of imprisonment not exceeding thirty-six hours. Should the offender fail to pay the fine this shall be substituted by the corresponding period of arrest, which shall in no case exceed fifteen days.*

Should the offender be a workman or unskilled laborer, he shall not be punished with a fine greater than the amount of his weekly wage or salary.

Art. 22. Punishments by mutilation and infamy, by branding, flogging, beating with sticks,

Art. 22. Punishments by mutilation and infamy, by branding,

⁸ See note to Art. 18 of 1857.

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torture of whatever kind, excessive fines, confiscation of property, or any other penalties, unusual or working corruption of the blood, shall be forever prohibited.

Art. 23. Capital punishment is abolished for political offenses; in the case of offenses other than political it shall only be imposed for high treason committed during a foreign war, parricide, murder with malice aforethought, arson, highway robbery, piracy, and grave military offenses. [*As amended, May 14, 1901.*]

Art. 24. No criminal case shall have more than three instances. No person, whether acquitted or convicted, shall be

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flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property and any other penalties, unusual or working corruption of the blood, are prohibited.

Attachment proceedings of the whole or part of the property of any person made under judicial authority to cover any civil liability arising out of the commission of any offense, or by reason of the imposition of any tax or fine, shall not be deemed a confiscation of property.

Capital punishment is likewise forbidden for all political offenses; in the case of offenses other than political it shall only be imposed for high treason committed during a foreign war, parricide, murder with malice aforethought, arson, abduction, highway robbery, piracy, and grave military offenses.

Art. 23. [Identical]

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tried again for the same offense. The practice of discharging in one instance is abolished.

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Art. 24. *Every one is free to embrace the religion of his choice and to practice all ceremonies, devotions or observances of his respective creed, either in places of public worship or at home, provided they do not constitute an offense punishable by law.*

*Every religious act of public worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision.*⁹

Art. 25. Sealed correspondence sent through the mails shall be free from search. The violation of this guarantee is an offense which the law will punish severely.

Art. 25. Sealed correspondence sent through the mails shall be free from search, and its violation shall be punishable by law.

Art. 26. In time of peace no soldier may demand quarters, supplies, or other real or personal service, without the consent of the owner. In time of war he may do so, but only in the manner prescribed by law.

Art. 26. No member of the army shall in time of peace be quartered in private dwellings, without the consent of the owner; nor shall he demand any other exaction. In time of war the military may demand lodging, equipment, provisions and other assistance, in the manner provided by the corresponding martial law.

Art. 27. Private property shall not be taken **without the consent of the owner**, except for reasons of public utility, indemnification having been made. The law shall determine the authority to make the expropriation and the conditions on which it shall be carried out.

Art. 27. *The ownership of lands and waters comprised within the limits of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property.*

No religious corporations and institutions of whatever char-

⁹ Drawn largely from "Leyes de Reforma" of December 14, 1874. See note to Art. 130, p. 116.

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acter, denomination, duration or object, nor civil corporations, when under the patronage, direction or administration of the former, or of ministers of any creed shall have legal capacity to acquire title to, or administer, real property, other than the buildings immediately and directly destined to the services or purposes of the said corporations and institutions. Nor shall they have legal capacity to acquire or administer loans made on such real property.

Civil corporations and institutions not comprised within the above provision, may acquire and administer, in addition to the buildings mentioned, real property and loans made on such real property required for their maintenance and purposes, subject to the requisites and limitations to be established by the Federal law to be enacted by the Congress on the subject. [As amended, May 14, 1901.]

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Private property shall not be *expropriated* except for reasons of public utility and by means of indemnification.

The Nation shall have at all times the right to impose on private property such limitations as the public interest may demand as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and equitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers of rural population with such lands and waters as may be indispensable to them; to encourage agriculture and to prevent the destruction of natural resources, and to protect property from damage detrimental to society. Settlements, hamlets situated on private property and communes which lack lands or water or do not possess them in sufficient quantities for their needs shall have the right to be provided with them from the adjoining properties, always having due regard for small landed holdings. Wherefore, all grants of lands made up to the present time under the decree of January 6, 1915, are confirmed.

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Private property acquired for the said purposes shall be considered as taken for public utility.

In the Nation is vested direct ownership of all minerals or substances which in veins, layers, masses, or beds constitute deposits whose nature is different from the components of the land, such as minerals from which metals and metaloids used for industrial purposes are extracted; beds of precious stones, rock salt and salt lakes formed directly by marine waters, products derived from the decomposition of rocks, when their exploitation requires underground work; phosphates which may be used for fertilizers; solid mineral fuels; petroleum and all hydrocarbons—solid, liquid or gaseous.

In the Nation is likewise vested the ownership of the waters of territorial seas to the extent and in the terms fixed by the law of nations; those of lakes and inlets of bays; those of interior lakes of natural formation which are directly connected with flowing waters; those of principal rivers or tributaries from the points at which there is a permanent current of water in their beds to their mouths, whether they flow to the sea or cross two or more States; those of intermittent streams which traverse two or more States in their main body; the waters of rivers, streams, or ravines, when they bound the national territory or that of the States; waters extracted from mines; and the beds and banks of the lakes and streams hereinbefore mentioned, to the extent fixed by law. Any other stream of water not comprised

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within the foregoing enumeration shall be considered as an integral part of the private property through which it flows; but the development of the waters when they pass from one landed property to another shall be considered of public utility and shall be subject to the provisions prescribed by the States.

In the cases to which the two foregoing paragraphs refer, the ownership of the Nation is inalienable and may not be lost by prescription; concessions shall be granted by the Federal Government to private parties or civil or commercial corporations organized under the laws of Mexico, only on condition that said resources be regularly developed, and on the further condition that the legal provisions be observed.

Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions:

- 1. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. The Nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the Nation of property so acquired. Within a zone of*

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100 kilometers from the frontiers, and of 50 kilometers from the sea coast, no foreigner shall under any conditions acquire direct ownership of lands and waters.

II. *The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property¹⁰; all such real property or loans as may be at present held by the said religious institutions, either on their own behalf or through third parties, shall vest in the Nation, and any one shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the Nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or collegiate establishments of religious institutions, convents or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the Nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the Nation.*

III. *Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual*

¹⁰ Compare second paragraph of Art. 27 of 1857.

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*aid societies or organizations formed for any other lawful purpose shall in no case acquire, hold or administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character be under the patronage, direction, administration, charge or supervision of religious corporations or institutions, nor of ministers of any religious creed or of their dependents, even though either the former or the latter shall not be in active service.*¹¹

IV. *Commercial stock companies shall not acquire, hold, or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum or other industry, excepting only agricultural industries, may acquire, hold or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the Executive of the Union or of the respective State in each case shall determine.*

V. *Banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own nor administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property*

¹¹ The second paragraph of the 1857 Constitution and Clauses II and III of the 1917 text are largely drawn from the "Leyes de Reforma." See note to Art. 130, p. 116.

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as may be judicially adjudicated to them in execution proceedings.

VI. Properties held in common by co-owners, hamlets situated on private property, pueblos, tribal congregations and other settlements which, as a matter of fact or law, conserve their communal character, shall have legal capacity to enjoy in common the waters, woods and lands belonging to them, or which may have been or shall be restored to them according to the law of January 6, 1915, until such time as the manner of making the division of the lands shall be determined by law.

VII. Excepting the corporations to which Clauses III, IV, V and VI hereof refer, no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The States, the Federal District and the Territories, as well as the municipalities throughout the Republic, shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

The Federal and State laws shall determine within their respective jurisdictions those cases in which the occupation of private property shall be considered of public utility; and in accordance with the said laws the administrative authorities shall make the corresponding declaration. The amount fixed as compensation for the expropriated property shall be based on the sum at which the said

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property shall be valued for fiscal purposes in the catastral or revenue offices, whether this value be that manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such a basis, to which there shall be added ten per cent. The increased value which the property in question may have acquired through improvements made subsequent to the date of the fixing of the fiscal value shall be the only matter subject to expert opinion and to judicial determination. The same procedure shall be observed in respect to objects whose value is not recorded in the revenue offices.

All proceedings, findings, decisions and all operations of demarcation, concession, composition, judgment, compromise, alienation, or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes and other settlement organizations still existing since the law of June 25, 1856, of the whole or a part of their lands, woods and waters, are declared null and void; all findings, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above-mentioned settlements may have been deprived shall be restored to them according to the decree of January 6, 1915, which shall remain in force as a constitutional law. In case the adjudication of lands, by way of restitution,

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be not legal in the terms of the said decree, which adjudication have been requested by any of the above entities, those lands shall nevertheless be given to them by way of grant, and they shall in no event fail to receive such as they may need. Only such lands, title to which may have been acquired in the divisions made by virtue of the said law of June 25, 1856, or such as may be held in undisputed ownership for more than ten years are excepted from the provision of nullity, provided their area does not exceed fifty hectares.¹¹ Any excess over this area shall be returned to the commune and the owner shall be indemnified. All laws of restitution enacted by virtue of this provision shall be immediately carried into effect by the administrative authorities. Only members of the commune shall have the right to the lands destined to be divided, and the rights to these lands shall be inalienable so long as they remain undivided; the same provision shall govern the right of ownership after the division has been made. The exercise of the rights pertaining to the Nation by virtue of this article shall follow judicial process; but as a part of this process and by order of the proper tribunals, which order shall be issued within the maximum period of one month, the administrative authorities shall proceed without delay to the occupation, administration, auction, or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set

¹¹ 1 hectare=2.47 acres.

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aside until final sentence is handed down.

During the next constitutional term, the Congress and the State Legislatures shall enact laws, within their respective jurisdictions, for the purpose of carrying out the division of large landed estates, subject to the following conditions:

(a) In each State and Territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

(b) The excess of the area thus fixed shall be subdivided by the owner within the period set by the laws of the respective locality; and these subdivisions shall be offered for sale on such conditions as the respective governments shall approve, in accordance with the said laws.

(c) If the owner shall refuse to make the subdivision, this shall be carried out by the local government, by means of expropriation proceedings.

(d) The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than twenty years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed five per cent per annum.

(e) The owner shall be bound to receive bonds of a special issue to guarantee the payment of the property expropriated. With this end in view, the Congress shall issue a law authorizing the States to issue bonds to meet their agrarian obligations.

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(f) *The local laws shall govern the extent of the family patrimony, and determine what property shall constitute the same on the basis of its inalienability; it shall not be subject to attachment nor to any charge whatever.*

All contracts and concessions made by former governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the Nation by a single individual or corporation, are declared subject to revision, and the Executive is authorized to declare those null and void which seriously prejudice the public interest.

Art. 28. There shall be no private nor governmental monopolies of any kind whatsoever, nor any prohibitions even under cover of protection to industry, excepting only those relating to the coinage of money, the postal service, and the privileges which, for a limited time, the law may concede to inventors or improvers of inventions.

Art. 28. There shall be no private nor governmental monopolies of any kind whatsoever in the United States of Mexico; *nor exemption from taxation*; nor any prohibition even under cover of protection to industry, excepting only those relating to the coinage of money, to the postal, *telegraphic, and radio-telegraphic services, to the issuance of bills by a single banking institution to be controlled by the Federal Government, and to the privileges which for a limited period the law may concede to authors and artists for the reproduction of their work*; and lastly, to those granted inventors or improvers of inventions for the exclusive use of their inventions.

The law will accordingly severely punish and the authorities diligently prosecute any accumulating or cornering by one or more persons of necessities for the purpose of bringing about a rise in

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price; any act or measure which shall stifle or endeavor to stifle free competition in any production, industry, trade or public service; any agreement or combination of any kind entered into by producers, manufacturers, merchants, common carriers or other public or quasi-public service, to stifle competition and to compel the consumer to pay exorbitant prices; and in general whatever constitutes an unfair and exclusive advantage in favor of one or more specified person or persons to the detriment of the public in general or of any special class of society.

Associations of labor organized to protect their own interests shall not be deemed a monopoly. Nor shall coöperative associations or unions of producers be deemed monopolies when, in defense of their own interests or of the general public, they sell directly in foreign markets national or industrial products which are the principal source of wealth of the region in which they are produced, provided they be not necessities, and provided further that such associations be under the supervision or protection of the Federal Government or of that of the States, and provided further that authorization be in each case obtained from the respective legislative bodies. These legislative bodies may, either on their own initiative or on the recommendation of the executive, revoke, whenever the public interest shall so demand, the authorization granted for the establishment of the associations in question.

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Art. 29. In cases of invasion, grave disturbance of the public peace, or any other emergency which may place society in grave danger, the President of the Republic, and no one else, shall have the power to suspend, with the advice of the council of ministers and with the approval of the Congress, and, in the recess thereof, of the Permanent Committee, the guarantees granted by this Constitution **excepting those ensuring the life of man**; but such suspension shall in no case be confined in its effects to a particular individual, but shall be made by means of a general decree, and only for a limited time.

If the suspension occur while the Congress is in session, this body shall grant such powers as in its judgment the executive may need to meet the situation; if the suspension occur while the Congress is in recess, the Permanent Committee shall forthwith convoke the Congress for the granting of such powers.

SECTION II

Of Mexicans

Art. 30. Mexicans are:

I. All persons born, within or without the Republic, of Mexican parents.

II. Aliens naturalized in conformity with the laws of the Federation.

III. Aliens who acquire real estate in the Republic, or have Mexican children, if they do not

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Art. 29. In cases of invasion, grave disturbance of the public peace, or any other emergency which may place society in grave danger or conflict, the President of the Republic of Mexico, and no one else, with the concurrence of the council of ministers, and with the approval of the Congress, or if the latter shall be in recess, of the Permanent Committee, shall have power to suspend throughout the whole Republic or in any portion thereof, *such guarantees as shall be a hindrance in meeting the situation promptly and readily*; but such suspension shall in no case be confined to a particular individual, but shall be made by means of a general decree and only for a limited period. If the suspension occur while the Congress is in session, this body shall grant such powers as in its judgment the executive may need to meet the situation; if the suspension occur while the Congress is in recess, the Congress shall be convoked forthwith for the granting of such powers.

CHAPTER II

Of Mexicans

Art. 30.¹² *A Mexican shall be such either by birth or by naturalization.*

I. *Mexicans by birth are those born of Mexican parents, within or without the Republic, provided*

¹² Several of the provisions of this article follow the Naturalization Law of May 28, 1886, while others are a radical departure in the juridical theories hitherto accepted in Mexico,

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declare their intention to retain their nationality.

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in the latter case the parents be also Mexicans by birth. Persons born within the Republic of foreign parentage shall likewise be considered Mexicans by birth, who within one year after they come of age shall declare to the Department of Foreign Affairs that they elect Mexican citizenship, and who shall furthermore prove to the said Department that they have resided within the country during the six years immediately prior to the said declaration.

II. Mexicans by naturalization are:

(a) *The children of foreign parentage born in the country, who shall elect Mexican citizenship in the manner prescribed in the foregoing clause, and in whom the residence qualification required in the said section does not concur.*

(b) *Those persons who shall have resided in the country for five consecutive years, have an honest means of livelihood and shall have obtained naturalization from the said Department of Foreign Affairs.*

(c) *Those of mixed Indian and Latin descent who may have established residence in the Republic, and shall have manifested their intention to acquire Mexican citizenship.*

In the cases stipulated in these sections, the law shall determine the manner of proving the requisites therein demanded.

Art. 31. It shall be the duty of every Mexican:

I. To defend the independence, the territory, the honor, the rights and interests of his country.

Art. 31. It shall be the duty of every Mexican:

I. *To compel the attendance at either private or public schools of their children or wards, when*

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II. To serve in the army or the national guard pursuant to the respective organic laws. [*As amended, June 10, 1898.*]

III. To contribute in the proportional and equitable manner provided by law, toward the public expenses of the Federation, the State and the municipality in which he resides.

Art. 32. Mexicans shall be preferred under equal circumstances to foreigners for all public employments, offices, or commissions, when citizenship is not indispensable. Laws shall be enacted to improve the condition of industrious Mexicans, by rewarding those who distinguish themselves in any science or art, to foster labor, and to found colleges and manual training schools.

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under fifteen years of age, in order that they may receive primary instruction and military training for such periods as the law of public instruction in each State shall determine.

II. *To attend on such days and at such hours as the town council shall in each case prescribe, to receive such civic instruction and military training as shall fit them to exercise their civic rights, shall make them skillful in the handling of arms and familiar with military discipline.*

III. *To enlist and serve in the national guard, pursuant to the respective organic law for the purpose of preserving and defending the independence, territory, honor, rights and interests of the country, as well as domestic peace and order.*

IV. To contribute in the proportional and equitable manner provided by law toward the public expenses of the Federation, the State and the municipality in which he resides.

Art. 32. Mexicans shall be preferred under equal circumstances to foreigners for all kinds of concessions and for all public employments, offices or commissions, when citizenship is not indispensable. *No foreigner shall serve in the army nor in the police corps nor in any other department of public safety during times of peace.*

Only Mexicans by birth may belong to the national navy, or fill any office or commission therein. The same requisite shall be required for captains, pilots, mas-

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SECTION III

Of Aliens

Art. 33. Aliens are those who do not possess the qualifications prescribed by Article 30. They shall be entitled to the guarantees granted by Section I, Title I, of the present Constitution, except that in all cases the Government has the right to expel undesirable foreigners. They are under obligation to contribute to the public expenses as the law may provide, and to obey and respect the institutions, laws, and authorities of the country, subjecting themselves to the decisions and sentences of the tribunals, and shall not be entitled to seek other redress than that which the laws concede to Mexicans.

SECTION IV

Of Mexican Citizens

Art. 34. Mexican citizenship shall be enjoyed only by those Mexicans who have the following qualifications:

I. Are over 21 years of age, if unmarried, and over 18, if married.

II. Have an honest means of livelihood.

Art. 35. The prerogatives of citizens are:

I. To vote at popular elections.

II. To be eligible for any elec-

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CHAPTER III

Of Aliens

ters and chief engineers of Mexican merchant ships, as well as for two-thirds of the members of the crew.

Art. 33. Aliens are those who do not possess the qualifications prescribed by Article 30. They shall be entitled to the guarantees granted by Chapter I, Title I, of the present Constitution; but the *Executive* shall have the *exclusive* right to expel from the Republic forthwith, and without judicial process, *any foreigner whose presence he may deem inexpedient.*

No foreigner shall meddle in any way whatsoever in the political affairs of the country.

CHAPTER IV

Of Mexican Citizens

Art. 34. [Identical]

Art. 35. [Identical]

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tive office and be qualified for any other office or commission, provided they have the other qualifications required by law.

III. To assemble for the purpose of discussing the political affairs of the country.

IV. To serve in the army or national guard for the defense of the Republic and its institutions, as by law determined. [*As amended June 10, 1898.*]

V. To exercise the right of petition in any matter whatever.

Art. 36. It shall be the duty of every Mexican citizen:

I. To register in the polls of the municipality in which he lives, setting forth the property which he owns, if any, or the industry, profession, or labor by which he subsists.

II. To enlist in the national guard.

III. To vote at popular elections in the district to which he belongs.

IV. To fill the elective federal offices to which he may be chosen, and which in no case shall be gratuitous.

Art. 37. Citizenship shall be lost:

I. By naturalization in a foreign country.

II. By officially serving the government of another country or accepting its decorations, titles, or employment without

Art. 36. It shall be the duty of every Mexican citizen:

I. To register in the polls of the municipality, setting forth any property he may own and his professional or industrial pursuit, or occupation; *and also to register in the electoral registration lists, as by law determined.*

II. To enlist in the national guard.

III. To vote at popular elections in the electoral district to which he belongs.

IV. To fill the elective Federal or State offices to which he may be chosen, which service shall in no case be gratuitous.

V. To serve on the town council of the municipality wherein he resides and to perform all electoral and jury service.

Art. 37. Citizenship shall be lost:

I. By naturalization in a foreign country.

II. By officially serving the government of another country, or accepting its decorations, titles or employment without

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previous permission of the Federal Congress, excepting literary, scientific, and humanitarian titles, which may be accepted freely.

Art. 38. The law shall determine the cases and the form in which the rights of citizenship may be lost or suspended, and the manner in which they may be regained.

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previous permission of the Federal Congress, excepting literary, scientific and humanitarian titles which may be accepted freely.

III. *By compromising themselves in any way before ministers of any religious creed or before any other person not to observe the present Constitution, or the laws arising thereunder.*

Art. 38. *The rights or prerogatives of citizenship shall be suspended for the following reasons:*

I. *Through failure to comply, without sufficient cause, with any of the obligations imposed by Article 36. This suspension shall last for one year and shall be in addition to any other penalties prescribed by law for the same offense.*

II. *Through being subjected to criminal prosecution for an offense punishable with imprisonment, such suspension to be reckoned from the date of the formal order of commitment.*

III. *Throughout the term of imprisonment.*

IV. *Through vagrancy or habitual drunkenness, declared in the manner provided by law.*

V. *Through being a fugitive from justice, the suspension to be reckoned from the date of the order of arrest until the prescription of the criminal action.*

VI. *Through any final sentence which shall decree as a penalty such suspension.*

The law shall determine the cases in which civic rights may be lost or suspended and the manner in which they may be regained.

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TITLE II

TITLE II

SECTION I

CHAPTER I

*Of the National Sovereignty and
Form of Government*

*Of the National Sovereignty and
Form of Government*

Art. 39. The national sovereignty is vested essentially and originally in the people. All public power emanates from the people, and is instituted for their benefit. The people have at all times the inalienable right to alter or modify the form of their government.

Art. 39. [Identical]

Art. 40. It is the will of the Mexican people to constitute themselves into a democratic, federal, representative republic, consisting of States, free and sovereign in all that concerns their internal affairs, but united in a federation according to the principles of this fundamental law.

Art. 40. [Identical]

Art. 41. The people exercise their sovereignty through the federal powers in the matters belonging to the Union, and through those of the States in the matters relating to the internal administration of the latter. This power shall be exercised in the manner respectively established by the Constitutions, both Federal and State. The constitutions of the States shall in no case contravene the stipulations of the Federal constitution.

Art. 41. [Identical]

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SECTION II

Of the Integral Parts of the Federation and the National Territory

Art. 42. The national territory comprises the integral parts of the Federation and the adjacent islands in both oceans.

Art. 43. The integral parts of the Federation are: the States of Aguascalientes, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Valle de México, Vera Cruz, Yucatán, Zacatecas, the Territory of Lower California, the Territory of Tepic, formed from the seventh canton of Jalisco, and the Territory of Quintana Roo. The Territory of Quintana Roo shall be formed by the eastern portion of the Peninsula of Yucatán; it shall be bounded by a line which, drawn from the northern coast of the Gulf of Mexico, follows the arc of the meridian 87° 32' (Longitude West of Greenwich) to its intersection with parallel 21°, and thence till it meets the parallel passing through the Southern Tower of Chemax, twenty kilometers to the east of this town; and reaching the vertex of the angle formed by the boundaries between the States of Yucatán and Campeche, near Put, goes southward to the parallel dividing the Republics of Mexico and Guatemala. [As amended November 24, 1902.]

Art. 44. The States of Aguascalientes, Chiapas, Chihuahua, Durango, Guerrero, México, Puebla, Querétaro, Sinaloa, Sonora, Tamaulipas, and the Territory of Lower California shall preserve the limits which they now have.

CHAPTER II

Of the Integral Parts of the Federation and the National Territory

Art. 42. The national territory comprises the integral parts of the Federation and the adjacent islands in both oceans. *It likewise comprises the Island of Guadalupe, those of Revillagigedo, and that of "La Pasión," situated in the Pacific Ocean.*

Art. 43. The integral parts of the Federation are: The States of Aguascalientes, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, *Nayarit*¹³, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Vera Cruz, Yucatán, Zacatecas, the Federal District, the Territory of Lower California, and the Territory of Quintana Roo.

Art. 44. The Federal District shall embrace its present territory; in the event of the removal of the Federal Powers to some other place it shall be created into the State of the Valley of Mexico, with such boundaries and area as the Federal Congress shall assign to it.¹⁴

¹³ See Art. 47 of 1917.

¹⁴ Substantially identical with Art. 46 of 1857.

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Art. 45. The States of Colima and Tlaxcala shall preserve in their new character of States the limits which they had as Territories of the Federation.

Art. 46. The State of the Valley of Mexico shall consist of the territory constituting at present the Federal District, but it shall not be a State until after the Supreme Federal Powers move to some other place.

Art. 47. The State of Nuevo León and Coahuila shall comprise the territory formerly belonging to the two separate States of which it now consists, except a part of the Bonanza Hacienda, which shall be added to Zacatecas, exactly as it was before its annexation to Coahuila.

Art. 48. The States of Guanajuato, Jalisco, Michoacán, Oaxaca, San Luis Potosí, Tabasco, Vera Cruz, Yucatán, and Zacatecas shall recover the extent and limits which they had on the thirty-first of December, eighteen hundred and fifty-two, with the alterations established in the following article.

Art. 49. The town of Contepéc, now belonging to Guanajuato, shall be annexed to Michoacán. The municipality of Ahualulco, belonging to Zacatecas, shall be annexed to San Luis Potosí. The municipalities of Ojo Caliente and San Francisco de los Adames, belonging to San Luis, as well as the towns of Nueva Tlaxcala and

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Art. 45. The States and Territories of the Federation shall keep their present boundaries and areas, provided no boundary question shall exist between them.

Art. 46. The States having pending boundary questions shall arrange or settle them as provided by this Constitution.

Art. 47. *The State of Nayarit shall have the territorial area and boundaries at present comprising the Territory of Tepic.*

Art. 48. *The islands in both oceans embraced within the national territory shall depend directly on the Federal Government, excepting those over which the States have up to the present time exercised jurisdiction.*

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San Andrés del Teul, belonging to Jalisco, shall be annexed to Zacatecas. The department of Tlaxpam shall continue to form a part of Vera Cruz. The canton of Huimanguillo, belonging to Vera Cruz, shall be annexed to Tabasco.

TITLE III

Of the Division of Powers

Art. 50. The supreme power of the Federation is divided for its exercise into legislative, executive, and judicial. Two or more of these powers shall never be united in one person or corporation, nor shall the legislative power be vested in one individual.

SECTION I

Of the Legislative Power

Art. 51. The legislative power of the United States of Mexico is vested in a general Congress which shall consist of a House of Representatives and a Senate. [As amended November 13, 1874.]

PARAGRAPH I

Of the Election and Installation of the Congress

Art. 52. The House of Representatives shall consist of representatives of the Nation, all of whom shall be elected every two years by the citizens of Mexico. [As amended November 13, 1874.]

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TITLE III

CHAPTER I

Of the Division of Powers

Art. 49. The supreme power of the Federation is divided for its exercise into legislative, executive and judicial.

Two or more of these powers shall never be united in one person or corporation, nor shall the legislative power be vested in one individual *except in the case of extraordinary powers granted to the executive, in accordance with the provisions of Article 29.*

CHAPTER II

Of the Legislative Power

Art. 50. [Identical]

SECTION I

Of the Election and Installation of the Congress

Art. 51. [Identical]

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Art. 53. One representative shall be chosen for each 60,000 inhabitants or for any fraction thereof exceeding 20,000, on the basis of the general census of the Federal District and of each State and Territory. Any State or Territory in which the population shall be less than that fixed by this article shall, nevertheless, elect one representative. [*As amended December 18, 1901.*]

Art. 54. There shall be elected an alternate for each representative.

Art. 55. The election of representatives shall be direct, in accordance with the provisions of the electoral law. [*As amended April 26, 1912.*]

Art. 56. Representatives shall have the following qualifications: To be Mexican citizens in the enjoyment of their rights; to be twenty-five years of age on the day of the opening of the session; to be domiciled in the State or Territory in which the election is held, and not to belong to the ecclesiastical state. The domicile shall not be lost through absence in the discharge of any elective office.

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Art. 52. [Identical]

Art. 53. [Identical]

Art. 54. [Identical]

Art. 55. Representatives shall have the following qualifications:

I. They shall be Mexican citizens *by birth*¹⁸ and in the enjoyment of their rights.

II. They shall be over twenty-five years of age *on the day of election*.

III. They shall be *natives* of the States or Territories respectively electing them, or domiciled *and actually resident therein for six months immediately prior to the election*. The domicile shall not be lost through absence in the discharge of any elective office.

IV. *They shall not be in active service in the Federal army, not have any command in the police corps or rural constabulary in the districts where the elections respectively take place, for at least ninety days immediately prior to the election.*

¹⁸ See Art. 30 of 1917.

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V. They shall not hold the office of secretary nor assistant secretary of any executive department nor of justice of the supreme court, unless they shall have resigned therefrom ninety days immediately prior to the election.

No State Governor, Secretary of State of the several States, nor State Judge shall be eligible in the Districts within their several jurisdictions, unless they shall have resigned from their office ninety days immediately prior to the day of election.

VI. They shall not be ministers of any religious creed.

Art. 56. The Senate shall consist of two Senators from each State and two from the Federal District, chosen in direct election.

Each State Legislature shall certify to the election of the candidate who shall have obtained a majority of the total number of votes cast.

[Identical with first part of Art. 58 A of 1857.]

Art. 57. The offices of senator and representative are incompatible with any other office or commission of the Federal Government for which any emolument is received. *[As amended November 13, 1874.]*

Art. 57. There shall be elected an alternate for each senator.

[Identical with closing sentence of Art. 58 A of 1857.]

Art. 58. Representatives and senators are disqualified, from the day of their election until the day on which their term expires, from accepting from the Federal executive without previous permission of the respective House any salaried office.

Art. 58. Each senator shall serve four years. The senate shall be renewed by half every two years.

[Identical with opening sentence of Art. 58 B of 1857.]

[Identical with Art. 62 of 1917, excepting italicized portion.]

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The same provision is applicable to alternates when in active service.

A. The Senate shall consist of two Senators for each State and two for the Federal District. The election of senators shall be direct in the first degree. Each State legislature shall declare the candidate elected who shall have obtained a majority of the votes cast **or it shall choose, in the manner prescribed by the electoral law, from among those obtaining a plurality.** There shall be elected an alternate for each Senator.

B. The Senate shall be renewed by half every two years. Senators occupying the second place in the representation of each State, shall vacate their seats at the end of the first two years. After the second year the withdrawal shall be according to seniority.

C. The qualifications necessary to be a senator shall be the same as those necessary to be a representative, except as to the age, which in the case of a senator who shall be at least thirty years of age on the day of the opening of the session. [*As amended November 13, 1874.*]

Art. 59. Representatives and senators are inviolable for opinions expressed by them in the discharge of their duties, and shall never be called to account for them. [*As amended November 13, 1874.*]

Art. 60. Each House shall be the judge of the election of its

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[Compare Art. 58 of 1917.]

Art. 59. The qualifications necessary to be a senator shall be the same as those necessary to be a representative, excepting that of age, which shall be over *thirty-five on the day of election.*

[Identical with Art. 61 of 1917.]

Art. 60. Each House shall be the judge of the election of its

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members, and shall decide all questions arising therefrom.
[As amended November 13, 1874.]

Art. 61. The Houses shall not open their sessions nor exercise their functions without a quorum, in the Senate of two-thirds, and in the House of Representatives of a majority of the total of its members; but the members present of either House shall meet on the appointed day and compel through the proper penalties the attendance of the

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members and shall decide all questions arising therefrom.
Its decisions shall be final.

Art. 61. Representatives and Senators are inviolable for opinions expressed by them in the discharge of their duties, and shall never be called to account for them.

[Identical with Art. 59 of 1857.]

Art. 62. Representatives and senators shall be disqualified during the terms for which they have been elected from holding any Federal or State commission or office for which any emolument is received without previous permission of the respective House; in the event of their accepting such commission or office they shall forthwith lose their representative character for such time as they shall hold such appointive office. The same provision shall apply to alternate representatives and senators, when in active service. *The violation of this provision shall be punished by forfeiture of the office of representative or senator.*

[Identical with Art. 58 of 1857 excepting italicized portion.]

Art. 63. The Houses shall not open their sessions nor exercise their functions without a quorum, in the Senate of two-thirds, and in the House of Representatives of a majority of the total membership; but the members present of either House shall meet on the day appointed by law and compel the attendance of the absentees *within the next*

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absentees. [As amended November 13, 1874.]

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thirty days, and they shall warn them that failure to comply with this provision shall be taken to be a refusal of office, and the corresponding alternates shall be summoned forthwith; the latter shall have a similar period within which to present themselves, and on their failure to do so the seats shall be declared vacant and new elections called.

Representatives or Senators who shall be absent during ten consecutive days without proper cause or without leave of the President of the respective House, notice of which shall be duly communicated to the House, shall be understood as waiving their right to attend until the next session, and their alternates shall be summoned without delay.

If there shall be no quorum to organize either of the Houses or to continue their labors, once organized, the alternates shall be ordered to present themselves as soon as possible for the purpose of taking office until the expiration of the thirty days hereinbefore mentioned.

Art. 64. No representative or senator who shall fail to attend any daily session without proper cause or without previous permission of the respective House, shall be entitled to the compensation corresponding to the day on which he shall have been absent.

Art. 62. The Congress shall hold **two ordinary sessions each year**: the first shall begin on the sixteenth of September and end on the fifteenth of December;

Art. 65. The Congress shall meet on the first day of September of each year in regular session for the consideration of the following matters:

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but this period may be extended for thirty working days. The second shall begin on the first of April and end on the last day of May, but may be extended for fifteen working days. [As amended November 13, 1874.]

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I. To audit the accounts of the previous year which shall be submitted to the House of Representatives not later than ten days after the opening of the session. *The audit shall not be confined to determining whether the expenditures do or do not conform with the respective items in the Budget, but shall comprise an examination of the exactness of, and authorization for, payments made thereunder, and of any liability arising from such payments.*

No other secret items shall be permitted than those which the budget may consider necessary as such; these amounts shall be paid out by the secretaries of executive departments under written orders of the President.

II. To examine, discuss and approve the budget for the next fiscal year, and to lay such taxes as may be needed to meet the expenditures.

III. To study, discuss and vote on all bills presented and to discuss all other matters incumbent upon the Congress by virtue of this Constitution.

Art. 66. *The regular session of the Congress shall last the period necessary to deal with all of the matters mentioned in the foregoing article, but it may not be extended beyond the thirty-first day of December of the same year. Should both Houses fail to agree as to adjournment prior to the above date, the matter shall be decided by the executive.*

Art. 67. The Congress shall meet in extraordinary session whenever so summoned by the

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President, but in such event it shall consider only the matter or matters submitted to it by the President, who shall enumerate it or them in the respective call. The President shall have power to convene in extraordinary session only one of the Houses when the matter to be referred to it pertains to its exclusive jurisdiction.

[Substantially identical with Arts. 68 & 69 of 1857.]

Art. 68. Both Houses shall hold their meetings in the same place and shall not move to another without having first agreed upon the moving and the time and manner of accomplishing it, as well as upon the place of meeting, which shall be the same for both Houses. If both Houses agree to change their meeting place but disagree as to the time, manner and place the President shall settle the question *by choosing one of the two proposals*. Neither House may suspend its sessions for more than three days without the consent of the other.

[Identical with Art. 71 G of 1857 excepting italicized portion.]

Art. 63. At the opening of the sessions of the Congress the President shall be present and make an address in which he shall give information on the state of the country. **The President of the Congress shall reply in general terms.**

Art. 69. The President of the Republic shall attend at the opening of the sessions of the Congress, whether regular or extraordinary, *and shall submit a report in writing*; this report shall, in the former case, relate to the general state of the Union; and in the latter, it shall explain to the Congress or to the House addressed the reasons or causes which rendered the call

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Art. 64. Every measure of the Congress shall be in the form of a law or decree. The laws or decrees shall be communicated to the Executive after having been signed by the Presidents of both Houses and by one of the secretaries of each. When promulgated, the enacting clause shall read as follows:

“The Congress of the United States of Mexico decrees (text of the law or decree).” [*As amended November 13, 1874.*]

PARAGRAPH II

Of the Origin and Formation of Laws

Art. 65. The right to originate legislation pertains:

I. To the President of the Republic

II. To the Representatives and Senators of the Congress

III. To the State Legislatures. [*As amended November 13, 1874.*]

Art. 66. Bills submitted by the President of the Republic, by State Legislatures or delegations thereof, shall be at once referred to committee. Those introduced by representatives or senators shall be subject to the rules of procedure. [*As amended November 13, 1874.*]

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necessary and the matters requiring immediate attention.

Art. 70. [Identical]

SECTION II

Of the Origin and Formation of the Laws

Art. 71. The right to originate legislation pertains:

I. To the President of the Republic;

II. To the Representatives and Senators of the Congress;

III. To the State Legislatures.

Bills submitted by the President of the Republic, by State Legislatures or by delegations of the States shall be at once referred to committee. Those introduced by representatives or senators shall be subject to the rules of procedure.

[Identical with Arts. 65 and 66 of 1857]

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Art. 67. No bill rejected in the House of origin before passing to the other House shall be reintroduced during the session of that year. [*As amended November 13, 1874.*]

Art. 68. The second period of sessions shall be devoted with preference over all other matters, to the making of the necessary appropriations for the support of the Government in the following fiscal year, the levying of the taxes necessary to meet the expenses, and the examination of the accounts of the past year submitted by the Executive.

Art. 69. The Executive shall transmit to the House of Representatives, on the eve of the last day of the session, the accounts of the year and the budget for the next. They shall be referred to a special committee, which shall be appointed on that day, consisting of five members, whose duty it shall be to examine both documents and report thereon at the second meeting of the second period. [*As amended November 13, 1874.*]

Art. 70. Legislative measures may be originated in either House, excepting bills dealing with loans, taxes or imposts, or with the raising of troops which must have their origin in the House of Representatives. [*As amended November 13, 1874.*]

Art. 71. Bills, action on which shall not pertain exclusively to

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[Identical with Art. 72 (g) of 1917]

[Identical with Art. 72 (h) of 1917]

Art. 72. [Identical]

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one of the Houses, shall be discussed first by one and then by the other, according to the rules of procedure as to the form, time of presentation and other details relative to discussions and votes.

A. After a bill has been approved in the House where it originated it shall be sent to the other House for consideration. If passed by the latter it shall be transmitted to the President who, if he has no observations to make thereto, shall immediately promulgate it.

B. Bills not returned by the Executive within ten working days with his observations to the House in which they originated, shall be considered approved, unless during the said ten days the Congress shall have adjourned or suspended its sessions, in which event they shall be returned on the first working day after the Congress shall have reconvened.

C. Bills rejected in whole or in part by the Executive shall be returned with his observations to the House where they originated. They shall be discussed anew by the latter and if passed by a majority vote shall be sent to the other. If approved by it, also by the same majority vote, the bill shall become a law and shall be sent to the Executive for promulgation. In such cases the voting in both Houses shall be by yeas and nays.

(a) [Identical]

(b) [Identical]

(c) Bills rejected in whole or in part by the Executive shall be returned with his observations to the House where they originated. They shall be discussed anew by this House and if confirmed by a *two-thirds majority vote of the total membership* shall be sent to the other House for reconsideration. If approved by it, also by the same majority vote, the bill shall become law and shall be returned to the Executive for promulgation.

The voting in both Houses shall be by yeas and nays.

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D. Bills totally rejected by the House not originating them shall be returned with the proper observations to the House of origin. If examined anew and approved by a majority of the members present, they shall be returned to the House rejecting them, which shall once again take them under consideration, and if approved by it, likewise by the same majority vote, they shall be sent to the Executive for the purposes of Clause A; but if the said House fail to approve them, they shall not be reintroduced in the same session.

(d) [Identical]

E. Bills rejected in part or modified or amended by the House of revision shall be discussed anew in the House of origin, but the discussion shall be confined to the portion rejected or to the amendments or additions, without the approved articles being altered in any respect. If the additions or amendments made by the House of revision be approved by a majority vote of the members present in the House of origin, the bill shall be transmitted to the Executive for the purposes of Clause A; but if the amendments or additions by the House of revision be rejected by a majority vote of the House of origin they shall be returned to the former House in order that the reasons set forth by the latter may be taken into consideration.

(e) [Identical]

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If in this second revision the said additions or amendments be rejected by a majority vote of the members present the portion of the bill which has been approved by both Houses shall be sent to the Executive for the purposes of Clause A. If the House of revision insist by a majority vote of the members present upon the additions or amendments, no action shall be taken on the whole bill until the next session, unless both Houses agree, by a majority vote of the members present, to the promulgation of the law without the articles objected to, which shall be left till the next session, when they shall be then discussed and voted upon.

F. The same formalities as are required for the enactment of laws shall be observed for their interpretation, amendment or repeal.

(f) [Identica]

G. Both Houses shall hold their meetings at the same place, and shall not move to another without first having agreed upon the moving and the time and manner of accomplishing it, as well as upon the place of meeting which shall be the same for both Houses. If both Houses agree to change their meeting place, but disagree as to the time, manner or locality, the Executive shall settle the question. Neither House shall adjourn for more than three days without the consent of the other.

[Identical with Art. 68 of 1917]

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(g) No bill rejected in the House of origin before passing to the other House shall be reintroduced during the session of that year.

[Identical with Art. 67 of 1857]

(h) Legislative measures may be originated in either House, excepting bills dealing with loans, taxes or imposts, or with the raising of troops which must have their origin in the House of Representatives.

[Identical with Art. 70 of 1857]

(i) *Whenever a bill shall be presented to one House it shall be first discussed there unless one month shall have elapsed since it was referred to committee and not reported, in which event an identical bill may be presented and discussed in the other House.*

H. When Congress meets in extra session it shall deal exclusively with the matter or matters specified in the call. If the object of the extra session has not been accomplished at the time in which the ordinary session begins, there shall be, nevertheless, a formal closing of the extra session, and the unfinished business shall be taken up and discussed in the ordinary session.

(j) The President shall not make any observations touching the resolutions of the Congress or of either House when acting as an electoral body or as a grand jury, *nor when the House of Representatives shall declare that there are grounds to impeach any high federal authority for official offences.*

Nor shall he make any observations touching the order for a call issued by the Permanent Committee as provided in Article 84.

The Executive shall not make any observations touching the resolutions of the Congress providing for an adjournment of its sessions, or passed by it when sitting as an electoral body or as a grand jury. *[As amended November 13, 1874.]*

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PARAGRAPH III

Of the Powers of the Congress

Art. 72. The Congress shall have power:

I. To admit new States or Territories into the Federal Union, incorporating them into the Nation.

II. To grant statehood to Territories which have a population of eighty thousand inhabitants and the necessary means to provide for their political existence.

III. To form new States within the boundaries of existing ones, provided the following requisites are complied with:

1. That the section or sections aspiring to statehood have a population of one hundred and twenty thousand inhabitants at least;

2. That proof be given to the Congress that it has sufficient means to provide for its political existence;

3. That the legislatures of the States affected be heard as to the advisability or inadvisability of granting such statehood, which opinion shall be given within six months reckoned from the day on which the respective communication is forwarded;

4. That the opinion of the Executive of the Federal Government be also heard on the subject; this opinion shall be given within seven days after the date on which it was requested.

5. That the creation of the new State be voted upon favorably by two-thirds of the Repre-

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SECTION III

Of the Powers of the Congress

Art. 73. The Congress shall have power:

I. To admit new States or Territories into the Federal Union.

II. [Identical]

III. [Identical]

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sentatives and Senators present in their respective Houses.

6. That the resolution of the Congress be ratified by a majority of the State Legislatures, upon examination of a copy of the record of the case, provided that the Legislatures of the States to which the section belongs shall have given their consent.

7. That the ratification referred to in the foregoing clause be given by two-thirds of the legislatures of the other States, if the legislatures of the States to which the Section belongs have not given their consent. [*As amended November 13, 1874.*]

IV. To settle finally the limits of the States, terminating the differences which may arise between them relative to the demarcation of their respective territories, except when the differences be of a litigious nature.

V. To change the residence of the supreme powers of the Federation.

VI. To legislate in all matters relating to the Federal District and the Territories.

IV. [Identical]

V. [Identical]

VI. To legislate in all matters relating to the Federal District and the Territories, *as hereinafter provided:*

1. *The Federal District and the Territories shall be divided into municipalities, each of which shall have the area and population sufficient for its own support and for its contribution toward the common expenses.*

2. *Each municipality shall be governed by a town council elected by direct vote of the people.*

3. *The Federal District and each of the Territories shall be administered by governors under the direct orders of the President of the Republic. The Governor of*

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the Federal District shall despatch with the President, and the Governor of each Territory shall despatch with the President through the duly constituted channels. The Governor of the Federal District and the Governor of each Territory shall be appointed by the President and may be removed by him at will.

4. The Superior Judges and those of First Instance of the Federal District as well as of the Territories shall be named by the Congress, acting in each case as an electoral college. In the temporary or permanent absences of the said Superior Judges these shall be replaced by appointment of the Congress, and in recess by temporary appointments of the Permanent Committee. The organic law shall determine the manner of filling temporary vacancies in the case of judges, and shall designate the authority before whom they shall be called to account for any dereliction, excepting the provisions of this Constitution with regard to the responsibility of officials. From and after the year 1923 the Superior Judges and those of First Instance to which this clause refers may only be removed from office for bad conduct and after impeachment, unless they shall have been promoted to the next higher grade. From and after the said date the compensation enjoyed by said officials shall not be diminished during their term of office.

5. The office of the Public Attorney (Ministerio Publico) of the Federal District and of the

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Territories, shall be in charge of an Attorney General, who shall reside in the City of Mexico and of such Public Attorney or Attorneys as the law may determine; the said Attorney General shall be under the direct orders of the President of the Republic, who shall appoint and remove him at will.

VII. To lay the taxes necessary to meet the expenditures of the budget.

VII. [Identical]

VIII. To establish the bases upon which the Executive may make loans on the credit of the nation; to approve the said loans and to acknowledge and order the payment of the national debt.

VIII. [Identical]

IX. To enact laws fixing the duties to be levied on foreign commerce, and to prevent **by general provisions, onerous**, restrictions from being imposed on interstate commerce.

IX. To enact tariff laws on foreign commerce and to prevent restrictions from being imposed on interstate commerce.

X. To promulgate mining and commercial codes, which shall be binding throughout the whole Republic. The banking law shall form a part of the code of commerce. [*As amended December 14, 1883.*]

X. To legislate for the entire Republic in all matters relating to mining, commerce, and institutions of credit, *and to establish the sole bank of issue, as provided in Article 28 of this Constitution.*

XI. To create or abolish Federal offices, and to fix, increase, or decrease the compensations assigned thereto.

XI. [Identical]

XII. To confirm the nominations made by the Executive, of ministers, diplomatic agents, and

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consuls, superior officers of the treasury, colonels and other superior officers of the national army and navy. [*Transferred to Art. 72 B, II, Exclusive Powers of the Senate, November 13, 1874.*]

XIII. To approve the treaties, agreements, or diplomatic conventions which the Executive may make. [*Transferred to Art. 72 B, I, Exclusive Powers of the Senate, November 13, 1874.*]

XIV. To declare war, upon examination of the facts submitted by the Executive.

XV. To regulate the manner in which letters of marque may be issued; to enact laws according to which prizes on sea and land shall be adjudged valid or invalid; and to frame the admiralty law for times of peace and war.

XVI. To grant or refuse permission to foreign troops to enter the territory of the Republic, and to allow fleets of other powers to remain for more than one month in the waters of the Republic.

[*Transferred to Art. 72 B, III, Exclusive Powers of Senate, November 13, 1874.*]

XVII. To allow national troops to go beyond the limits of the republic.

[*Transferred to Art. 72 B, III, Exclusive Powers of Senate, November 13, 1874.*]

XVIII. To raise and maintain the army and navy of the Union, and to regulate their organization and service.

XIX. To make rules for the organization **armament**, and

XII. [Identical]

XIII. [Identical]

XIV. [Identical]

XV. To make rules for the organization and discipline of

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discipline of the national guard, reserving respectively to the citizens who compose it the appointment of the commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by said regulations.

XX. To consent to the use by the Executive of the national guard outside of its respective States and Territories, determining the strength of the force required.

[*Transferred to Art. 72 B, IV, Exclusive Powers of Senate, November 13, 1874.*]

XXI. To enact laws on citizenship, naturalization, colonization, emigration, immigration and public health of the Republic.

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the National Guard, reserving for the citizens who compose it the right of appointing their respective commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by the said regulations.

XVI. To enact laws on citizenship, naturalization, colonization, emigration, immigration and public health of the Republic.

1. *The Public Health Service shall depend directly upon the President of the Republic, without the intervention of any executive department, and its general provisions shall be binding throughout the Republic.*

2. *In the event of epidemics of a grave or dangerous nature, of the invasion of diseases from abroad, the Public Health Service shall put into force without delay the necessary preventive measures, subject to their subsequent sanction by the President of the Republic.*

3. *The sanitary authorities shall have executive faculties and their determinations shall be obeyed by the administrative authorities of the country.*

4. *All measures which the Public Health Service shall have put into effect in its campaign against alcoholism and the sale of sub-*

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XXII. To enact laws on the general means of communication and on post-roads and post-offices, **to define and determine the waters subject to Federal jurisdiction and to enact laws as to the use and development of the same.** [*As amended June 20, 1908.*]

XXIII. To establish mints, regulate the value and kinds of the national coin, fix the value of foreign moneys, and adopt a general system of weights and measures.

XXIV. To make rules for the occupation and alienation of public lands and the prices thereof.

XXV. To grant pardons for offenses subject to federal jurisdiction.

XXVI. To grant rewards and recompenses for eminent services rendered to the country or to humanity. [*As amended June 2, 1882.*]

XXVII. To extend for thirty working days the first period of its ordinary sessions.

XXVIII. To make rules for its internal government and to enact the necessary provisions to compel the attendance of absent Representatives and Senators and to punish the acts of commission or omission of those present.

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stances injurious to man and tending to degenerate the race shall be subsequently revised by the Congress, in such cases as fall within the jurisdiction of the latter.

XVII. To enact laws on general means of communication, postroads and post offices and to enact laws as to the use and development of the waters subject to the Federal jurisdiction.

XVIII. [Identical]

XIX. [Identical]

XX. *To enact laws as to the organization of the diplomatic and consular services.*

XXI. *To define the crimes and offenses against the Nation and to fix the penalties therefor.*

XXII. [Identical]

XXIII. [Identical]

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XXIX. To issue the organic law of the office of the Comptroller of the Treasury.

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XXIV. [Identical]

XXV. *To sit as an electoral college and to name the Justices of the Supreme Court, and the Superior and Inferior Judges of the Federal District and Territories.*

XXVI. *To accept the resignation of the Justices of the Supreme Court and of the Superior and Inferior Judges of the Federal District and Territories, and to name substitutes in their absence and to appoint their successors.*

XXVII. *To establish professional schools of scientific research and fine arts, vocational, agricultural and trade schools, museums, libraries, observatories and other institutes of higher learning, until such time as these establishments can be supported by private funds. These powers shall not pertain exclusively to the Federal Government.*

All degrees conferred by any of the above institutions shall be valid throughout the Republic.

XXVIII. *To sit as an electoral college and to choose the person to assume the office of President of the Republic, either as a substitute President or as a President ad interim in the terms established by Articles 84 and 85 of this Constitution.*

XXIX. *To accept the resignation of the President of the Republic.*

[Compare Art. 72 A, II of 1857.]

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XXX. To make all laws necessary for carrying into execution the foregoing powers and all other powers vested by this Constitution in the several branches of the Government.

A. The House of Representatives shall have the following exclusive powers:

I. To sit as an electoral college to exercise the powers conferred by law regarding the appointments of constitutional President and Vice President of the Republic, justices of the supreme court and senators for the Federal District. [*Amendment of May 6, 1904.*]

II. To pass upon the resignations and leaves of absence of the President and Vice President of the Republic and of the resignations of the justices of the supreme court. [*As amended May 6, 1904.*]

III. To watch, by means of a special committee, over the faithful performance by the Comptroller of the Treasury in the discharge of his duties.

IV. To appoint all the higher officers and other employees of the office of the Comptroller of the Treasury.

V. To act as a grand jury and to formulate articles of impeachment against the functionaries

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XXX. To audit the accounts which shall be submitted annually by the Executive; *this audit shall comprise not only the checking of the items disbursed under the Budget but the exactness of and authorization for the expenditures in each case.*¹⁷

XXXI. [Identical]

Art. 74. The House of Representatives shall have the following exclusive powers:

I. To sit as an electoral college to exercise the powers conferred by law as to the election of the President.

II. To watch by means of a committee appointed from among its own members over the faithful performance by the Comptroller of the Treasury in the discharge of his duties.

III. [Identical]

[Compare Art. 74, V, of 1917]

¹⁷ See Art. 72 A, VI, of 1857.

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mentioned in article 103 of the Constitution.

VI. To audit the accounts to be rendered yearly by the Executive, approve the annual budget, and originate taxation for the purpose of meeting the expenses of the Government.

IV. To approve the annual budget, after a discussion as to what taxes must in its judgment be laid to meet the necessary expenditures.

V. To take cognizance of all charges brought against public officials, as herein provided, for official offenses, and should the circumstances so warrant to impeach them before the Senate; and further to act as a grand jury to decide whether there is or is not good ground for proceeding against any official enjoying constitutional privileges, whenever accused of offenses of the common order.

VI. *To exercise such other powers as may be expressly vested in it by this Constitution.*

Art. 75. *The House of Representatives, in passing the budget, shall not fail to assign a definite compensation to every office created by law, and if for any reason such compensation shall not be assigned, the amount fixed in the preceding budget or in the law creating the office shall be presumed to be assigned.*

Art. 76.

I. [Identical]

II. [Identical]

B. The Senate shall have the following exclusive powers:

I. To approve the treaties and diplomatic conventions concluded by the Executive with foreign powers.

II. To confirm the nominations made by the President of diplomatic ministers or agents, consuls general, higher officials of the treasury, colonels and

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other superior officers of the army and navy, in the manner and form by law provided.

III. To authorize the Executive to allow national troops to go beyond the limits of the Republic, or to permit foreign troops to pass through the national territory, and to consent to the presence of fleets of another nation for more than one month in Mexican waters.

IV. To consent to the Executive disposing of the national guard outside of the limits of its respective States or Territories, and to fix the amount of the force to be used.

V. To declare, when all the constitutional powers of any State have disappeared, that the occasion has arisen to give the said State a provisional governor, who shall order elections to be held according to the constitution and laws of the State. The appointment of such governor shall be made by the Federal Executive with the approval of the Senate, or in its recess, of the permanent committee. The said functionary shall not be chosen constitutional governor in the elections to be held under the call which he shall issue.

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III. [Identical]

IV. [Identical]

V. To declare, when all the constitutional powers of any State have disappeared, that the occasion has arisen to give to the said State a provisional governor, who shall call for elections to be held according to the constitution and laws of the said State. The appointment of such a governor shall be made *by the Senate with the approval of two-thirds of its members present or during recess by the Permanent Committee by the same two-thirds majority, from among three names submitted by the President.* The official thus selected shall not be chosen constitutional governor in the elections to be held under the call which he shall issue. *This provision shall govern whenever the State Constitutions do not provide for the contingency.*

VI. *To sit as a Grand Jury to take cognizance of such official offenses of functionaries as are*

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expressly prescribed by this Constitution.

VII. *To exercise such other powers as may be expressly vested in it by this Constitution.*

VIII. [Identical]

VI. To adjust all political questions arising between the powers of a State whenever one of them shall appeal to the Senate or whenever by virtue of such differences a clash of arms has arisen to interrupt the constitutional order. In this event the Senate shall decide in accordance with the Federal Constitution and the Constitution of the State involved.

The exercise of this power and of the foregoing shall be regulated by law.

VII. To sit as a court of impeachment, under article 105 of the Constitution. [*As amended November 13, 1874.*]

C. Each House may, without the intervention of the other:

I. Pass resolutions upon matters exclusively relating to its own interior government.

II. Communicate with the other House, and with the Executive through committees appointed from among its members.

III. Appoint the employees in the office of its secretary, and make all rules and regulations for the said office.

IV. Issue a call for extraordinary elections to fill any vacancies which may occur in its membership. [*As amended November 13, 1874.*]

Art. 77. [Identical]

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PARAGRAPH IV

Of the Permanent Committee

Art. 73. During the recesses of the Congress there shall be a Permanent Committee consisting of twenty-nine members, fifteen of whom shall be Representatives and fourteen Senators, appointed by the respective Houses on the eve of the day of adjournment. [*As amended November 13, 1874.*]

Art. 74. In addition to the powers vested in it by this Constitution, the Permanent Committee shall have the following powers:

I. To give its consent to the use of the national guard as provided in Article 72, Clause XX. [*As amended May 6, 1904.*]

II. To decide upon the call for extraordinary sessions of the Congress or of a single House thereof, either on its own initiative, in which event it shall hear the opinion of the Executive, or on the proposal of the Executive; in either event, the

SECTION IV

Of the Permanent Committee

Art. 78. During the recess of the Congress there shall be a Permanent Committee consisting of twenty-nine members, fifteen of whom shall be Representatives and fourteen Senators, appointed by the respective Houses on the eve of the day of adjournment.

Art. 79. In addition to the powers *expressly* vested in it by this Constitution, the Permanent Committee shall have the following powers:

I. To give its consent to the use of the national guard as provided in Article 76, Clause IV.

II. To administer the oath of office, should the occasion arise, to the President, to the Justices of the Supreme Court, *to the Superior Judges of the Federal District and Territories, on such occasions as the latter officials may happen to be in the City of Mexico.*

[*Compare Art. 74, IV of 1857.*]

III. To report on all pending matters, so that they may be considered *in the next session.*

[*Compare Art. 74, V of 1857.*]

IV. To call extraordinary sessions in the case of official offenses or offenses of the common order committed by Secretaries of Executive Departments or Justices of the Supreme Court, and official offenses committed by State Governors, provided the

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two-thirds' vote of the members present shall be necessary. The call shall stipulate the object or objects of the extraordinary session. [*As amended November 13, 1874.*]

III. To confirm the nominations referred to in article 85, Clause III.

IV. To administer the oath of office to the President of the Republic, and to the justices of the supreme court, in the cases provided for by this Constitution.

V. To report upon all pending matters, in order that the next legislature may immediately consider them.

SECTION II

Of the Executive Power

Art. 75. The exercise of the supreme executive power of the Union is vested in a single individual, who shall be called "President of the United States of Mexico."

Art. 76. The election of President shall be direct, in accordance with the terms of the electoral law. [*As amended April 26, 1912.*]

Art. 77. No person shall be eligible to the office of President who is not a Mexican citizen by birth, in the exercise of his rights, over thirty-five years old at the time of the election, not belonging to the ecclesiastical state, and a resident of the country at the time in which the election is held.

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case shall have been already instituted by the Committee of the Grand Jury, in which event no other business of the Congress shall be considered, nor shall the sessions be prolonged beyond the time necessary for a decision.

CHAPTER III

Of the Executive Power

Art. 80. [Identical]

Art. 81. [Identical]

Art. 82. The President of the Republic shall have the following qualifications:

I. He shall be a Mexican citizen by birth, in the *full enjoyment* of his rights, and *he must be the son of Mexican parents by birth.*

II. He shall be over thirty-five years of age at the time of election.

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III. He shall have resided in the country during the *entire year prior* to the election.

IV. He shall not belong to the ecclesiastical state *nor be a minister of any religious creed.*

V. *In the event of belonging to the army, he shall have retired from active service 90 days immediately prior to the election.*

VI. *He shall not be a secretary or assistant secretary of any executive department, unless he shall have resigned from office 90 days prior to the election.*

VII. *He shall not have taken part, directly or indirectly, in any uprising, riot or military coup.*

Art. 78. The President and **Vice-President** shall enter upon their duties on the first day of December, shall serve six years, and shall never be reelected.

The President shall never be elected Vice-President, nor the Vice-President be elected President for the ensuing term.

Nor may the Secretary of the Executive Department charged with the executive power at the time of the elections be elected President or Vice-President. [*As amended November 27, 1911.*]

Art. 79. The electors who choose the President **shall likewise, on the same day and in the same manner, choose a Vice-President**, who shall have the same qualifications as by Article 77 are required for the office of President.

The Vice-President shall be ex officio President of the Sen-

Art. 83. The President shall enter upon the duties of his office on the first day of December, shall serve *four years* and shall never be reelected.

The citizen who shall replace the constitutional President in the event of his permanent disability shall not be elected President for the ensuing term.

Nor shall the person designated as Acting President during the temporary disabilities of the constitutional President be re-elected President for the ensuing term.

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ate; he shall have no voice and shall only be entitled to a vote in the event of a tie. The Vice President may, however, fill any appointive office of the Executive; in the event of disability caused by such appointment or by other causes, he shall be replaced as President of the Senate, as provided in the respective law. [*As amended May 6, 1904.*]

Art. 80. Whenever the President shall fail to present himself on the day set by law to assume office, or whenever a permanent disability occur during his term of office or he be granted permission to leave his office, the **Vice-President** shall assume the exercise of the Executive Power by operation of law, without the need of a new oath of office.

If the disability of the President be permanent the **Vice-President shall complete the term for which he was elected**; in all other cases, he shall serve until the President resume office. [*As amended May 6, 1904.*]

Art. 84. *In the event of the permanent disability of the President of the Republic, if this shall occur within the first two years of the respective term, the Congress, if in session, shall forthwith act as an electoral college, and with the attendance of at least two-thirds of its total membership shall choose a President by secret ballot and by a majority vote; and the same Congress shall issue the call for Presidential elections and shall endeavor to have the date set for this event as far as possible coincide with the date of the next election of Representatives and Senators to Congress.*

Should the disability of the president occur while Congress is in recess, the Permanent Committee shall forthwith designate a President ad interim who shall call Congress together in extraordinary session, in order that it may in turn issue the call for Presidential elections in the manner provided in the foregoing paragraph.

Should the disability of the President occur in the last two years of the respective term, the Congress, if in session, shall

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Art. 81. If neither the President Elect nor the **Vice-President Elect** shall present himself at the beginning of any constitutional term, or the election not have been made and the result made known by the first of December, the outgoing President shall nevertheless vacate office and the Secretary of Foreign Affairs shall forthwith assume the executive power; in the absence or disability of the secretary of Foreign Affairs, one of the secretaries of the executive departments, in the order established by law, shall forthwith assume the executive power.

The same procedure shall be observed when, in the event of the permanent or temporary disability of the President, the Vice President shall not present

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choose the substitute to conclude the period of the presidential term; if Congress shall not be in session the Permanent Committee shall choose a President ad interim and shall summon Congress in extraordinary session, in order that it may act as an electoral college and proceed to the election of the substitute President.

The President ad interim may be chosen by Congress as substitute President.

The citizen designated as President ad interim for the purpose of calling elections, in the event of the disability of the President within the two first years of the respective term, shall not be chosen in the elections held to fill such vacancy and for which he was designated.

Art. 85. If the President-Elect shall fail to present himself at the beginning of any constitutional term, or the election not have been held and the result made known by the first of December, the outgoing President shall nevertheless vacate office and the President ad interim chosen by the Congress, or in its recess by the Permanent Committee, shall forthwith assume the executive power. All action taken hereunder shall be governed by the provisions of the foregoing article.

In case of a temporary disability of the President, the Congress, or the Permanent Committee if the Congress shall not be in session, shall designate an Acting President during such disability. If a temporary disability shall

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himself, when the latter shall be granted leave to resign, if he shall be in office, and when the permanent disability of both functionaries shall occur during the term of office.

In the event of the permanent disability of the President and Vice President, the Congress, or in its recess the Permanent Committee, shall immediately issue a call for extraordinary elections.

Should the disability of both functionaries occur in the last year of the constitutional term, no call shall be issued, but the secretary who shall assume the executive power shall continue charged with the same until the new President, or the person to act in his stead according to the preceding provisions, shall take office.

The citizens chosen in the extraordinary elections shall assume office so soon as the corresponding declaration be made, and they shall continue in office for the balance of the constitutional term. Whenever a secretary of an executive department shall be called upon to assume the executive power, he shall discharge this office without need of an affirmation, until such time as he is able to make it. [*As amended, May 6, 1904.*]

Art. 82. Neither the President **nor Vice-President** shall resign office except for grave cause, upon which the Congress shall pass, to which body the resignations shall be presented. [*As amended, May 6, 1904.*]

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become permanent, the action prescribed in the preceding article shall be taken.

In the event of a leave of absence granted to the President of the Republic the person acting in his stead shall not be disqualified from being elected in the ensuing period, provided he shall not have been in office during the holding of elections.

Art. 86. The President shall not resign office except for grave cause, upon which the Congress shall pass, to which body the resignation shall be tendered.

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Art. 83. The President, before entering upon the discharge of the duties of his office, shall make the following affirmation before the Congress, or in its recess before the Permanent Committee:

"I do solemnly affirm that I will defend and enforce the Constitution of the United States of Mexico and the laws arising thereunder and that I will faithfully and conscientiously perform the duties of President of the United States of Mexico, to which I have been chosen by the people, having ever in mind the welfare and prosperity of the Nation."

The **Vice-President** shall in the same session make an affirmation in similar language to discharge the duties of Vice President, or, should the occasion arise, those of President; if he shall be unable to make the affirmation at the same session as the President, he shall do so at another session. [*As amended, May 6, 1904.*]

Art. 84. The President **and the Vice-President** shall not absent themselves from the national territory, without the permission of the House of Representatives. [*As amended, May 6, 1904.*]

Art. 85. The President shall have the following powers and duties:

I. To promulgate and execute the laws enacted by the Congress, providing, within the executive sphere, for their faithful observance.

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Art. 87. The President, before entering upon the discharge of the duties of his office, shall make the following affirmation before the Congress, or in its recess before the Permanent Committee:

"I do solemnly affirm that I will defend and enforce the Constitution of the United States of Mexico and the laws arising thereunder and that I will faithfully and conscientiously perform the duties of President of the United States of Mexico, to which I have been chosen by the people, having ever in mind the welfare and prosperity of the Nation; *if I shall fail to do so, may the Nation call me to account.*"

Art. 88. The President shall not absent himself from the national territory without the permission of the Congress.

Art. 89.

I. [**Identical**]

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II. To appoint and remove at will the secretaries of executive departments, to remove the diplomatic agents and superior officers of the treasury, and to appoint and remove at will the other federal officials whose appointment or removal is not otherwise provided for in the Constitution or the laws.

III. To appoint, with the approval of the Congress, and, in its recess, of the Permanent Committee, ministers, diplomatic agents, and consuls general.

IV. To appoint, with the approval of Congress, colonels and other superior officers of the national army and navy, and superior officials of the treasury.

V. To appoint all other officers of the national army and navy, as by law provided.

VI. To dispose of the permanent land and sea forces for the domestic safety and foreign defense of the Union.

VII. To dispose of the national guard for the same purposes, as provided by Article 72, Clause XX.

VIII. To declare war in the name of the United States of Mexico, after the passage of the corresponding resolution by the Congress of the Union.

IX. To grant letters of marque, upon the terms and conditions fixed by the Congress.

X. To conduct diplomatic negotiations and to make treaties

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II. To appoint and remove at will the Secretaries of Executive Departments, *the Attorney General of the Republic, the Governor of the Federal District, the Governors of Territories, the Attorney General of the Federal District and Territories*; and to appoint and remove at will all other Federal employees whose appointment or removal is not otherwise provided for by law or in this Constitution.

III. To appoint, with the approval of the *Senate*, all ministers, diplomatic agents and consuls general.

IV. To appoint, with the approval of the *Senate*, the colonels and other superior officers of the army and navy and the superior officials of the treasury.

V. [Identical]

VI. [Identical]

VII. To dispose of the national guard for the same purposes, as provided by Article 76, Clause IV.

VIII. [Identical]

IX. [Identical]

X. [Identical]

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with foreign powers, submitting them for ratification to the Congress.

XI. To receive ministers and other envoys from foreign powers.

XII. To call, upon resolution of the Permanent Committee, an extra session of the Congress.

XIII. To afford the judiciary the assistance necessary for the expeditious exercise of its functions.

XIV. To open all kinds of ports, establish maritime and frontier custom houses and designate their location.

XV. To grant, according to law, pardons to criminals sentenced for offenses within the jurisdiction of the Federal tribunals.

XVI. To grant exclusive privileges for a limited time, and according to the respective laws, to discoverers, inventors or improvers in any branch of industry. [*As amended, June 2, 1882.*]

Art. 86. For the transaction of administrative matters of the

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XI. To call Congress, *or either of the Houses*, in extraordinary session, *whenever in his judgment it may be advisable.*

XII. [Identical]

XIII. [Identical]

XIV. To grant, according to law, pardons to criminals sentenced for offenses within the jurisdiction of the Federal tribunals, *and to all persons sentenced for offenses of the common order in the Federal District and Territories.*

XV. [Identical]

XVI. *Whenever the Senate shall not be in session the President may temporarily make the nominations enumerated in Clauses III and IV hereof, but these nominations shall be submitted to the Senate so soon as it reconvenes.*

XVII. *To exercise such other rights and duties as are expressly conferred upon him by this Constitution.*

Art. 90. [Identical]

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Federal Government there shall be the number of Secretaries of Executive Departments which the Congress may by law establish, which law shall likewise assign among the various departments the several matters with which each shall be charged.

Art. 87. No person shall be appointed secretary of an executive department who is not a Mexican citizen by birth, in the enjoyment of his rights, and twenty-five years old.

Art. 88. All regulations, decrees, and orders of the President shall be signed by the secretary of the executive department to which the matter pertains. They shall not be binding without this requisite.

Art. 89. The Secretaries of Executive Departments shall, so soon as the sessions of the first period are opened, report to the Congress as to the state of their respective departments.

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Art. 91. No person shall be appointed Secretary of an Executive Department who is not a Mexican citizen by birth, in the enjoyment of his rights and who has not attained the age of *thirty* years.

Art. 92. All regulations, decrees and orders of the President shall be signed by the Secretary of the Executive Department to which the matter pertains. They shall not be binding without this requisite. *All regulations, decrees, and orders of the President touching the government of the Federal District and the administrative departments shall be transmitted directly by the President to the Governor of the District and to the chief of the respective department.*

Art. 93. The Secretaries of Executive Departments shall on the opening of *each regular session* report to the Congress as to the state of their respective Departments. *Either House may summon a Secretary of an Executive Department to inform it, whenever a bill or other matter pertaining to his department is under discussion or consideration.*

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SECTION III

Of the Judicial Power

Art. 90. The judicial power of the Federation is vested in a supreme court and in the district and circuit courts.

Art. 91. The supreme court shall consist of fifteen justices, and shall sit in banc or in sections, as provided by law. [*As amended, May 22, 1900.*]

Art. 92. The justices of the supreme court shall serve for six years, and their election shall be indirect in the first degree, in the manner established by the electoral law.

Art. 93. No person shall be eligible to the position of justice of the supreme court who, in the judgment of the electors, is not

CHAPTER IV

Of the Judicial Power

Art. 94. The judicial power of the Federation is vested in a Supreme Court and in Circuit and District Courts, *whose number and powers shall be fixed by law*. The Supreme Court of Justice shall consist of *eleven* members; its sittings shall be in banc and *its hearings shall be public, except in the cases where public interest or morality shall otherwise require*. *It shall meet at such times and under such conditions as by law prescribed*. *No sittings of the court shall be held without the attendance of at least two-thirds of its total membership, and all decisions rendered shall be by a majority vote.*

The Justices of the Supreme Court chosen to this office in the forthcoming elections shall serve two years; those elected at the conclusion of this first term shall serve four years, and from and after the year 1923 the Justices of the Supreme Court, the Circuit and District judges may only be removed for malfeasance and after impeachment proceedings, unless the Circuit and District Judges be promoted to the next higher grade.

The same provision shall govern, in so far as it be applicable to the terms of two and four years, respectively, to which this article refers.

Art. 95. The Justices of the Supreme Court shall have the following qualifications:

I. They shall be Mexican

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learned in the science of law, thirty-five years of age, and a Mexican citizen by birth, in the exercise of his rights.

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citizens by birth, in the full enjoyment of *their civil and political rights*.

II. They shall be over thirty-five years of age at the time of election.

III. *They shall be graduates in law of some institution or corporation authorized by law to confer such degrees.*

IV. *They shall be of good repute and not have been convicted of any offense punishable with more than one year's imprisonment; but conviction of larceny, deceit, forgery, embezzlement or any other offense seriously impairing their good name in the public mind shall disqualify them for office, whatever may have been the penalty imposed.*

V. *They shall have resided in the country for the last five years, except in the case of absence due to public service abroad for a period not exceeding six months.*

Art. 96. *The members of the Supreme Court of Justice shall be chosen by the Congress, acting as an electoral college; the presence of at least two-thirds of the total number of Representatives and Senators shall be necessary for such action. The election shall be by secret ballot and by a majority vote, and shall be held as among the candidates previously proposed, one being nominated by each State legislature, as provided in the respective State laws.*

Should no candidate receive a majority on the first ballot, the balloting shall be repeated between the two candidates receiving the highest number of votes.

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Art. 94. The justices of the supreme court shall, on entering upon the exercise of their functions, take an oath before Congress, and, in its recesses, before the permanent committee, in the following form: "Do you swear to perform loyally and patriotically the office of justice of the supreme court of justice, to which you have been chosen by the people, in conformity with the Constitution, having ever in mind the welfare and prosperity of the Union?"

Art. 95. The resignation of a justice of the supreme court shall only be accepted for grave cause, approved by the Congress, to whom the resignation shall be tendered. In the recesses of the Congress the power to act on this matter belongs to the Permanent Committee.

Art. 96. The law shall establish and organize the circuit and district courts, and the office of the Public Attorney of the Federation. The officers of the Public Attorney and the Attorney General of the Republic who shall preside over the same shall be appointed by the Executive. *[As amended May 22, 1900.]*

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[Compare the last two paragraphs of Art. 97 of 1917.]

[Identical with Art. 99 of 1917]

Art. 97. All Circuit and District Judges shall be appointed by the Supreme Court of Justice; they shall have such qualifications as by law required, shall serve four years and shall not be removed except by impeachment proceedings or for incapacity to discharge their duties, in accordance with the law.

The Supreme Court of Justice may remove the District Judges from one District to another, or it may fix their seats in another locality, as it may deem most advantageous to the public business. A similar procedure shall

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be observed in the case of Circuit Judges.

The Supreme Court of Justice may likewise appoint auxiliary Circuit and District Judges to assist in the labors of such courts as have an excessive amount of business, in order that the administration of justice may be speedy; it shall also name one or more of its members or some district or circuit judge or shall designate one or more special commissioners, whenever it shall deem it advisable or on the request of the President or of either House or of any State Governor, solely for the purpose of inquiring into the behavior of any judge or federal justice or into any fact or facts which amount to a violation of any individual rights or to the subversion of the popular will or any other offense punishable by Federal statute.

The Circuit and District Courts shall be assigned among the several Justices of the Supreme Court who shall visit them periodically, shall observe the conduct of their judges, listen to any complaint presented against them and perform all such other acts as the law may require. The Supreme Court shall appoint and remove at will its clerk of the court and other employees on the roster established by law. The Circuit and District Judges shall likewise appoint and remove at will their respective clerks and employees.

The Supreme Court shall choose each year one of its mem-

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bers to act as Chief Justice, with the right of re-election.

Each Justice of the Supreme Court on assuming office shall make an affirmation before Congress, or if this is in recess, before the Permanent Committee, as follows:

The Presiding Officer shall say: "Do you promise to perform faithfully and conscientiously the duties of Justice of the Supreme Court with which you have been charged, and to defend and enforce the Constitution of the United States of Mexico and the laws arising thereunder, having ever in mind the welfare and prosperity of the Nation?" To which the Justice shall reply, "I do." On which the Presiding Officer shall answer: "If you fail to do so, may the Nation call you to account."

The Circuit and District Judges shall make the affirmation of office before the Supreme Court or before such other authority as the law may determine.

Art. 98. *No temporary disability of a Justice of the Supreme Court not exceeding one month shall be filled, provided there be otherwise a quorum. In the absence of a quorum the Congress, or in its recess the Permanent Committee, shall name a substitute selected from among the candidates submitted by the States for the election of the justice in question and not chosen, to serve during such disability. If the disability does not exceed two months,*

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the Congress, or during its recess the Permanent Committee, shall choose at will a temporary justice.

In the event of the death, resignation or disqualification of any justice of the supreme court, a new election shall be held by the Congress to fill this vacancy as provided in Article 96.

If the Congress shall not be in session, the Permanent Committee shall make a temporary appointment until such time as the Congress shall convene and proceed to the corresponding election.

Art. 99. [Identical with Art. 95 of 1857.]

Art. 100. The Supreme Court shall grant all leaves of absence of its members, when they do not exceed one month; such as do exceed this period shall be granted by the House of Representatives, or during its recess by the Permanent Committee.

Art. 101. No justice of the supreme court, circuit or district judge, nor clerk of any of these courts shall under any circumstances accept any State, Federal or private commission or office, excepting honorary titles from scientific, literary or charitable associations. The violation of this provision shall work a forfeiture of office.

Art. 102. The office of the Public Attorney shall be organized in accordance with the law, and its officers shall be appointed and removed at will by

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the Executive. They shall be under the direction of an Attorney General who shall possess the same qualifications as are required for the office of Justice of the Supreme Court.

The Public Attorneys shall be charged with the judicial prosecution of all Federal offenses; they shall accordingly sue out all orders of arrest, assemble and offer all evidence as to the responsibility of the accused, see that the trials are conducted in due order so that the administration of justice may be speedy, pray the imposition of sentence, and in general take part in all matters required by law.

The Attorney General of the Republic shall personally intervene in matters to which the Federal Government is a party, in cases affecting ministers, diplomatic agents and consuls general, and in all controversies between two or more States of the Union, between the Federal Government and a State or between the several powers of a State. The Attorney General may either personally or through one of the Public Attorneys take part in all other cases in which the Public Attorneys are called upon to act.

The Attorney General shall be the legal advisor of the Government, and both he and the Public Attorneys under his orders shall faithfully obey the law and shall be liable for all breaches or for any violations which they may incur in the discharge of their duties.

Art. 103. [Identical with Art. 101 of 1857.]

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Art. 97. The Federal tribunals shall take cognizance of:

I. All controversies arising out of the application and enforcement of the federal laws, excepting when the application only affects private rights when the regular local courts of the States, The Federal District and Territory of Lower California shall assume jurisdiction, respectively. [*As amended May 29, 1884.*]

II. All cases pertaining to admiralty law.

III. All cases to which the Federation may be a party.

IV. All cases which may arise between two or more States.

V. All cases arising between a State and one or more citizens of another State.

VI. All civil or criminal cases that may arise out of treaties with foreign powers.

VII. All cases concerning diplomatic agents and consuls.

Art. 98. The supreme court shall have original jurisdiction of controversies which may arise between one State and another, and of those to which the Federal Government may be a party.

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Art. 104. The Federal Tribunals shall have jurisdiction over:

I. All controversies of a civil or criminal nature arising out of the application and enforcement of the Federal laws, or out of treaties concluded with foreign powers. Whenever such controversies affect only private rights, the regular local courts of the States, the Federal District and Territories shall, *at the election of the plaintiff*, assume jurisdiction. *Appeal may be had from all judgments of first instance to the next higher tribunal of the same court in which the case was first heard. Appeal may be taken from sentences of second instance to the Supreme Court of Justice, which appeal shall be prepared, submitted and prosecuted, in accordance with the procedure provided by law.*

II. [Identical]

III. [Identical]

IV. All cases arising between two or more States, *or between any State and the Federal Government, as well as those arising between the courts of the Federal District and those of the Federal Government or of a State.*

V. [Identical]

VI. [Identical with VII.]

Art. 105. The Supreme Court of Justice shall have *exclusive* jurisdiction in all controversies arising between two or more States, *between the powers of government of any State as to the constitutionality of their acts, or between one or more*

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Art. 99. The supreme court shall also have power to settle questions of jurisdiction between Federal tribunals, between these tribunals, and those of the States, or between those of one State and those of another.

Art. 100. In all the other cases mentioned in Article 97, the supreme court shall be either a court of appeals, or a court of last resort, as may be defined by the law regulating the jurisdiction of the circuit and district courts.

Art. 101. The Federal tribunals shall take cognizance of:

I. All controversies arising out of laws or acts of the authorities which shall infringe any personal guarantees.

II. All controversies arising out of laws or acts of the federal authorities which limit or encroach upon the sovereignty of the States.

III. All controversies arising out of laws or acts of the State authorities which invade the sphere of the Federal authorities.

Art. 102. All controversies mentioned in Article 103 shall be prosecuted by the injured party in accordance with the judicial forms and procedure which the law shall establish.

The judgment shall always be so drawn as to affect exclusively

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States and the Federal Government, and in all cases to which the Federal Government may be a party.

Art. 106. The Supreme Court of Justice shall likewise have *exclusive* jurisdiction to determine all questions of jurisdiction between the Federal tribunals, between these and those of the States, or between those of one State and those of another.

[Identical with Art. 103 of 1917.]

Art. 107. All controversies mentioned in Article 103 shall be prosecuted by the injured party in accordance with the judicial forms and procedure which the law shall establish, subject to the following conditions:

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private individuals, and shall confine itself to affording them redress in the special case to which the complaint refers; but it shall make no general statement as to the law or the act that may have formed the basis for the complaint. When the controversy arises through the violation of personal guarantees in a civil suit, recourse may be had to the Federal Courts, only after the said civil suit has duly terminated with a decision which will permit no further legal recourse operating to vacate the said decision. [As amended November 12, 1908.]

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I. The judgment shall always be so drawn as to affect exclusively private individuals, and shall confine itself to affording them redress in the special case to which the complaint refers; but it shall make no general statement as to the law or the act that may have formed the basis for the complaint.

II. *In civil or penal suits, excepting those mentioned in Clause IX hereof, the writ of "amparo" shall issue only against final judgments when no other ordinary recourse is available by which these judgments may be modified or amended, if the violation of the law shall have occurred in the judgment, or if, although committed during the course of the trial, objection was duly noted and protest entered against the denial of reparation, and provided further that if committed in first instance it shall have been invoked in second instance as a violation of the law.*

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Notwithstanding the foregoing provision, the supreme court may in penal cases waive any defects in the petition when there has been a manifest violation of the law which has left the petitioner without recourse, or when he has been tried by a law not strictly applicable to the case, provided failure to take advantage of this violation has been merely an oversight.

III. In civil or penal suits the writ of "amparo" shall issue only if substantial portions of the rules of procedure have been violated, and provided further that the said violation shall deprive the petitioner of means of defense.

IV. In addition to the case mentioned in the foregoing paragraph, the writ of "amparo" shall issue only on a final judgment in a civil suit,—provided the requirements set forth in Clause II hereof have been complied with,—when the judgment shall be contrary to the letter of the law applicable to the case or contrary to its legal interpretation, when it includes persons, actions, defenses, or things which have not been the object of the suit, or finally when all these have not been included either through omission or express refusal.

When the writ of "amparo" is sought against mesne judgments, in accordance with the provisions of the foregoing clause, these rules shall be observed, as far as applicable.

V. In penal suits, the authorities responsible for the violation shall stay the execution of final judgment against which the writ

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of "amparo" has been sought; for this purpose the petitioner shall, within the period set by law, give notice, under oath, to the said authorities of the interposition of this recourse, accompanying it with two copies of the petition, one of which shall be delivered to the opposing party and the other filed.

VI. The execution of a final judgment in civil suits shall only be stayed when the petitioner shall give bond to cover damages occasioned thereby, unless the other party shall give a counter bond (1) to guarantee that the normal conditions and relations previously existing be restored, and (2) to pay the corresponding damages, in the event of the granting of the "amparo." In such event the interposition of the recourse of "amparo" shall be communicated as provided in the foregoing clause.

VII. If a writ of "amparo" be sought against a final judgment, a certified copy of such portions of the record as the petitioner may desire shall be requested from the authority responsible for the violation; to this there shall be added such portions as the other party may desire and a clear and succinct statement by the said authority of the justification of the act protested; note shall be made of this on the record.

VIII. When a writ of "amparo" is sought against a final judgment, the petition shall be brought before the Supreme Court; this petition, together with the copy required by Clause VII, shall be either presented to the Supreme

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Court or sent through the authority responsible for the violation or through the District Court of the corresponding State. The Supreme Court shall render judgment without any other formality or procedure than the petition, the document presented by the other party and that of the Attorney General or the Public Attorney he may name in his stead, and shall comprise no other legal question than that contained in the complaint.

IX. *When the acts of an authority other than the judicial are involved or the acts of the judiciary exercised outside of the suit or after the termination thereof, or acts committed during the suit whose execution is of impossible reparation, or which affect persons not parties to the suit, the writ of "amparo" shall be sought before the District Court within whose jurisdiction is located the place where the act protested was committed or attempted; the procedure in this case shall be confined to the report of the authority and to a hearing, the call for which shall be issued in the same order of the court as that calling for the report. This hearing shall be held at as early a date as possible, the testimony of both parties offered, arguments heard which shall not exceed one hour for each side, and finally the judgment which shall be pronounced at the same hearing. The judgment of the District Court shall be final, if the interested parties do not appeal to the Supreme Court within the period set by law and*

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in the manner prescribed by Clause VIII.

In case of a violation of the guarantees of Articles 16, 19 and 20, recourse shall be had through the appellate court of the court committing the breach or to the corresponding District Court. An appeal against the decision of any of these courts may be taken to the Supreme Court.

If the district judge shall not reside in the same locality as the official guilty of the violation, the judge before whom the petition of "amparo" shall be submitted shall be determined by law; this judge shall be authorized to suspend temporarily the execution of the act protested, in accordance with the terms established by law.

X. Any official failing to suspend the execution of the act protested, when in duty bound to do so, or when he admits an insufficient or improper bond, shall be turned over to the proper authorities; the civil and penal liability of the official shall in these cases be a joint liability with the person offering the bond and his surety.

XI. If after the granting of an "amparo," the guilty official shall persist in the act or acts against which the petition of "amparo" was filed, or shall seek to render of no effect the judgment of the Federal authority, he shall be forthwith removed from office and turned over for trial to the corresponding district court.

XII. Wardens and jailers who fail to receive a duly certified copy of the formal order of commitment within the seventy-two hours

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granted by Article 19, reckoned from the time the accused is placed at the disposal of the court, shall bring this fact to the attention of the court, immediately upon expiration of this period; and if the proper order be not received within the next three hours the accused shall be set at liberty.

Any official who shall violate this provision and the article referred to in the foregoing paragraph shall be immediately turned over to the proper authorities. Any official or agent thereof who, after an arrest has been made, shall fail to place the accused at the disposition of the court within the next twenty-four hours shall himself be turned over to the proper authority.

If the detention be effected outside the locality in which the court is situated, there shall be added to the period mentioned in the preceding sentence the time necessary to travel from the said locality to that where the detention took place.

TITLE IV

*Of the Responsibility of
Officials*

Art. 103. Senators, representatives, justices of the supreme court, and secretaries of executive departments shall be liable for the common offenses committed by them during their term of office, and for their crimes, misdemeanors, or omissions in the exercise of their functions. The governors of the States shall also be responsible for the violation of the Federal Constitu-

TITLE IV

*Of the Responsibility of
Officials*

Art. 108. Senators and Representatives of Congress, Justices of the Supreme Court, Secretaries of Executive Departments and the Attorney General of the Republic shall be liable for all common offenses committed during their term of office, as well as for all official offenses or acts of commission or omission in which they may incur in the discharge of their duties.

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tion and laws. The President of the Republic shall be likewise responsible; but during his term he can be charged only with treason **express violation of the Constitution, attacks on electoral liberty**, and grave common offenses. [*As amended May 6, 1904.*]

No constitutional privilege shall be extended to any high Federal functionary when tried for official offenses, misdemeanors, or omissions committed by him in the discharge of any public function or commission, during the time in which, according to law, the privilege is enjoyed. This provision shall be applicable to cases of common offenses committed under the same circumstances. In order that the proceedings may be instituted when the functionary returns to the exercise of his own functions, the rules set forth in Article 104 of the Constitution shall be observed.

Art. 104. If the offense belongs to the common order the House of Representatives, acting as a grand jury, shall determine by a majority vote whether there is or is not any ground for proceeding against the accused.

If the finding be favorable to the accused, no further action shall be taken.

If the finding be adverse, the accused shall *ipso facto* be removed from office and be placed at the disposition of the ordinary courts of justice. [*As amended November 13, 1874.*]

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Governors of States and *members of State Legislatures* shall be liable for violation of the Constitution and the Federal Laws.

The President of the Republic may only be impeached during his term of office for high treason and common offenses of a serious character.

[Identical with Art. 110 of 1917.]

Art. 109. If the offense belongs to the common order the House of Representatives, acting as a grand jury, shall determine by a majority vote of *its total membership* whether there is or is not any ground for proceeding against the accused.

If the finding be favorable to the accused, no further action shall be taken; *but such finding shall not be a bar to the prosecution of the charge so soon as the constitutional privilege shall cease, since the finding of the House does not in any way determine the merits of the charge.*

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Art. 105. In cases of impeachment the House of Representatives shall act as a grand jury and the Senate as a tribunal.

The grand jury shall decide by a majority vote if the accused is or is not to be impeached. If the decision is favorable to the accused official, the latter shall continue in the exercise of his functions. If it is adverse, the accused official shall be immediately removed from office and put at the disposal of the Senate. The Senate, acting as a tribunal, shall, upon the proper hearing of the defendant, and also of the plaintiff, if there be any, by a majority vote impose the penalty provided by law. [*As amended November 13, 1874.*]

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If the finding be adverse, the accused shall *ipso facto* be removed from office and be placed at the disposition of the ordinary courts of justice, *except in the case of the President of the Republic, who may only be impeached before the Senate, as in the case of an official offense.*

Art. 111. The Senate acting as a grand jury shall try all cases of impeachment; but it may not institute such proceedings without a previous accusation brought by the House of Representatives.

If the Senate should, after hearing the accused and conducting such proceedings as it may deem advisable, determine by a majority vote of two-thirds of its total membership that the accused is guilty, the latter shall be forthwith removed from office by virtue of such decision, or be disqualified from holding any other office for such time as the law may determine.

When the same offense is punishable with an additional penalty, the accused shall be placed at the disposition of the regular authorities who shall judge and sentence him in accordance with the law.

In all cases embraced by this article and in those included by the preceding both the decisions of the Grand Jury and the findings of the House of Representatives shall be final.

Any person shall have the right to denounce before the House of Representatives offenses of a common order or of

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an official character committed by high Federal functionaries; and whenever the said House of Representatives shall determine that there exist good grounds for impeachment proceedings before the Senate, it shall name a committee from among its own members to sustain the charges brought.

The Congress shall as soon as possible enact a law as to the responsibility of all Federal officials and employees which shall fix as official offenses all acts, of commission or omission, which may prejudice the public interest and efficient administration, even though such acts may not heretofore have been considered offenses. These officials shall be tried by a jury in the same manner as provided for trials by jury in Article 20.

Art. 106. No pardon shall be granted the offender in cases of impeachment.

Art. 112. [Identical]

Art. 107. The responsibility for official breaches and offenses may only be enforced during such time as the functionary shall remain in office and for one year thereafter.

Art. 113. [Identical]

Art. 108. In civil cases no privilege or immunity in favor of any public functionary shall be recognized.

Art. 114. [Identical]

TITLE V

Of the States of the Federation

Art. 109. The States shall adopt for their internal government the popular, representa-

TITLE V

Of the States of the Federation

Art. 115. The States shall adopt for their internal government the popular, representa-

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tive, republican form of government. The term of office in the case of Governors shall not exceed six years. The prohibitions on the President, Vice President and President ad interim, referred to in Article 78, shall be applicable to State Governors and functionaries acting in their stead. [As amended November 27, 1911.]

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tive, republican form of government; *they shall have as the basis of their territorial division and political and administrative organization the free municipality, in accordance with the following provisions:*

I. *Each municipality shall be administered by a town council chosen by direct vote of the people, and no authority shall intervene between the municipality and the State Government.*

II. *The municipalities shall freely administer their own revenues which shall be derived from the taxes fixed by the State Legislatures which shall at all times be sufficient to meet their needs.*

III. *The municipalities shall be regarded as enjoying corporate existence for all legal purposes.*

The Federal Executive and the State Governors shall have command over all public forces of the municipalities wherein they may permanently or temporarily reside.

Constitutional State Governors shall not be re-elected, nor shall their term of office exceed four years.

The prohibitions of Article 83 are applicable to substitute or ad interim governors.

The number of Representatives in the State Legislatures shall be in proportion to the inhabitants of each State, but in no case shall the number of representatives in any State Legislature be less than fifteen.

Each electoral district of the States shall choose a Representa-

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Art. 110. The States shall have the power to fix among themselves, by friendly agreements, their respective boundaries; but these agreements shall not be carried into effect without the approval of the Congress.

Art. 111. No State shall—

I. Enter into alliances, treaties or coalitions with another State or with foreign powers. **Coalitions between frontier States for offensive or defensive war against savage Indians are excepted.**

II. Grant letters of marque or reprisal.

III. Coin money, issue paper money, stamps or stamped paper. [*As amended May 1, 1896.*]

IV. Levy taxes on persons or property passing through its territory. [*As amended May 1, 1896.*]

V. Prohibit or tax, directly or indirectly, the entry into its territory, or the withdrawal therefrom, of any merchandise, foreign or domestic. [*As amended May 1, 1896.*]

VI. Burden the circulation or consumption of domestic or foreign merchandise with taxes or duties to be collected by local custom houses or subject to inspection the said merchandise or require it to be accompanied

tive and an alternate to the State Legislature.

Every State Governor shall be a Mexican citizen by birth and a native thereof, or resident therein not less than five years immediately prior to the day of election.

Art. 116. [Identical]

Art. 117.

I. Enter into alliances, treaties or coalitions with another State or with foreign powers.

II. [Identical]

III. [Identical]

IV. [Identical]

V. [Identical]

VI. [Identical]

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by documents. [*As amended May 1, 1896.*]

VII. Enact or maintain in force laws or fiscal regulations discriminating, by taxation or otherwise, between merchandise, foreign or domestic, on account of its origin, whether this discrimination be established with regard to similar local products or to similar products of foreign origin. [*As amended May 1, 1896.*]

VIII. Issue bonds of the public debt payable in foreign coin or outside the Federal territory; contract loans, directly or indirectly, with any foreign government, or assume any obligation in favor of any foreign corporation or individual, requiring the issuance of certificates or bonds payable to bearer or negotiable by endorsement. [*As amended December 18, 1901.*]

Art. 112. No State shall, without the consent of the Congress:

I. Establish tonnage dues or other port charges, or impose taxes or other duties upon imports or exports.

II. Keep at any time permanent troops or vessels of war.

III. Make war on its own behalf on any foreign power, except in cases of invasion or of such imminent peril as to admit of no delay. In such event the State shall give notice immediately to the President of the Republic.

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VII. [Identical]

VIII. Issue bonds of the public debt payable in foreign coin or outside the Federal territory; contract loans, directly or indirectly, with any foreign government, or assume any obligation in favor of any foreign corporation or individual, requiring the issuance of certificates or bonds payable to bearer or negotiable by endorsement.

The Federal Congress and the State Legislatures shall forthwith enact laws against alcoholism.

Art. 118. [Identical, except that heading III is omitted.]

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Art. 113. Every State shall be bound to deliver without delay to the demanding authorities the fugitives from justice from other States or from foreign nations.

Art. 114. The State Governors are bound to publish and enforce the Federal laws.

Art. 115. Full faith and credit shall be given in each State of the Federation to the public acts, records and judicial proceedings of all the other States. The Congress shall by general laws prescribe the manner of proving the said acts, records and proceedings and the effect thereof.

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Art. 119. Every state shall be bound to deliver without delay to the demanding authorities the fugitives from justice from other States or from foreign nations.

In such cases the writ of the court granting the extradition shall operate as a sufficient warrant for the detention of the accused for one month, in the case of extradition from one State to another, and for two months in the case of international extradition.

Art. 120. [Identical]

Art. 121. Full faith and credit shall be given in each State of the Federation to the public acts, records and judicial proceedings of all the other States. The Congress shall by general laws prescribe the manner of proving the said acts, records and proceedings and the effect thereof.

I. *The laws of a State shall only be binding within its own confines, and shall therefore have no extra-territorial force.*

II. *Movable and immovable property shall be governed by the lex sitae.*

III. *Judgments of a State court as to property and property rights situated in another State shall only be binding when expressly so provided by the law of the latter State.*

Judgments relating to personal rights shall only be binding in another State provided the person shall have expressly, or impliedly

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Art. 116. The Powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them the same protection, provided the Legislature of the State, or the Executive thereof if the Legislature is not in session, shall so request.

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by reason of domicile, submitted to the jurisdiction of the court rendering such judgment, and provided further that personal service shall have been secured.

IV. *All acts of civil status performed in accordance with the laws of one State shall be binding in all other States.*

V. *All professional licenses issued by the authorities of one State in accordance with its laws shall be valid in all other States.*

Art. 122. [Identical]

TITLE VI

Of Labor and Social Welfare

Art. 123. *The Congress and the State Legislatures shall make laws relative to labor with due regard for the needs of each region of the Republic, and in conformity with the following principles, and these principles and laws shall govern the labor of skilled and unskilled workmen, employees, domestic servants and artisans, and in general every contract of labor.*

I. *Eight hours shall be the maximum limit of a day's work.*

II. *The maximum limit of night work shall be seven hours. Unhealthy and dangerous occupations are forbidden to all*

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women and to children under sixteen years of age. Night work in factories is likewise forbidden to women and to children under sixteen years of age; nor shall they be employed in commercial establishments after ten o'clock at night.

III. The maximum limit of a day's work for children over twelve and under sixteen years of age shall be six hours. The work of children under twelve years of age shall not be made the subject of a contract.

IV. Every workman shall enjoy at least one day's rest for every six days' work.

V. Women shall not perform any physical work requiring considerable physical effort during the three months immediately preceding parturition; during the month following parturition they shall necessarily enjoy a period of rest and shall receive their salaries or wages in full and retain their employment and the rights they may have acquired under their contracts. During the period of lactation they shall enjoy two extraordinary daily periods of rest of one-half hour each, in order to nurse their children.

VI. The minimum wage to be received by a workman shall be that considered sufficient, according to the conditions prevailing in the respective region of the country, to satisfy the normal needs of the life of the workman, his education and his lawful pleasures, considering him as the head of a family. In all agricultural, commercial, manufacturing or mining

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enterprises the workmen shall have the right to participate in the profits in the manner fixed in Clause IX of this article.

VII. *The same compensation shall be paid for the same work, without regard to sex or nationality.*

VIII. *The minimum wage shall be exempt from attachment, set-off or discount.*

IX. *The determination of the minimum wage and of the rate of profit-sharing described in Clause VI shall be made by special commissions to be appointed in each municipality and to be subordinated to the Central Board of Conciliation to be established in each State.*

X. *All wages shall be paid in legal currency and shall not be paid in merchandise, orders, counters or any other representative token with which it is sought to substitute money.*

XI. *When owing to special circumstances it becomes necessary to increase the working hours, there shall be paid as wages for the overtime one hundred per cent more than those fixed for regular time. In no case shall the overtime exceed three hours nor continue for more than three consecutive days; and no women of whatever age nor boys under sixteen years of age may engage in overtime work.*

XII. *In every agricultural, industrial, mining or other class of work employers are bound to furnish their workmen comfortable and sanitary dwelling-places, for which they may charge rents not*

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exceeding one-half of one per cent per month of the assessed value of the properties.¹⁹ They shall likewise establish schools, dispensaries and other services necessary to the community. If the factories are located within inhabited places and more than one hundred persons are employed therein, the first of the above-mentioned conditions shall be complied with.

XIII. Furthermore, there shall be set aside in these labor centers, whenever their population exceeds two hundred inhabitants, a space of land not less than five thousand square meters for the establishment of public markets, and the construction of buildings designed for municipal services and places of amusement. No saloons nor gambling houses shall be permitted in such labor centers.

XIV. Employers shall be liable for labor accidents and occupational diseases arising from work; therefore, employers shall pay the proper indemnity, according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law. This liability shall remain in force even though the employer contract for the work through an agent.

XV. Employers shall be bound to observe in the installation of their establishments all the provisions of law regarding hygiene and sanitation and to adopt adequate measures to prevent accidents due to the use of machinery, tools and working materials, as well as to organize work in such a

¹⁹ See Art. 27, Clause VII, second paragraph of 1917.

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manner as to assure the greatest guarantees possible for the health and lives of workmen compatible with the nature of the work, under penalties which the law shall determine.

XVI. *Workmen and employers shall have the right to unite for the defense of their respective interests, by forming syndicates, unions, etc.*

XVII. *The law shall recognize the right of workmen and employers to strike and to lockout.*

XVIII. *Strikes shall be lawful when by the employment of peaceful means they shall aim to bring about a balance between the various factors of production, and to harmonize the rights of capital and labor. In the case of public services, the workmen shall be obliged to give notice ten days in advance to the Board of Conciliation and Arbitration of the date set for the suspension of work. Strikes shall only be considered unlawful when the majority of the strikers shall resort to acts of violence against persons or property, or in case of war when the strikers belong to establishments and services dependent on the government. Employees of military manufacturing establishments of the Federal Government shall not be included in the provisions of this clause, inasmuch as they are a dependency of the national army.*

XIX. *Lockouts shall only be lawful when the excess of production shall render it necessary to shut down in order to maintain prices reasonably above the cost of production, subject to the approval of the Board of Conciliation and Arbitration.*

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XX. Differences or disputes between capital and labor shall be submitted for settlement to a board of conciliation and arbitration to consist of an equal number of representatives of the workmen and of the employers and of one representative of the Government.

XXI. If the employer shall refuse to submit his differences to arbitration or to accept the award rendered by the Board, the labor contract shall be considered as terminated, and the employer shall be bound to indemnify the workman by the payment to him of three months' wages, in addition to the liability which he may have incurred by reason of the dispute. If the workman reject the award, the contract will be held to have terminated.

XXII. An employer who discharges a workman without proper cause or for having joined a union or syndicate or for having taken part in a lawful strike shall be bound, at the option of the workman, either to perform the contract or to indemnify him by the payment of three months' wages. He shall incur the same liability if the workman shall leave his service on account of the lack of good faith on the part of the employer or of maltreatment either as to his own person or that of his wife, parents, children or brothers or sisters. The employer cannot evade this liability when the maltreatment is inflicted by subordinates or agents acting with his consent or knowledge.

XXIII. Claims of workmen for salaries or wages accrued during the past year and other in-

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demnity claims shall be preferred over any other claims, in cases of bankruptcy or composition.

XXIV. Debts contracted by workmen in favor of their employers or their employers' associates, subordinates or agents, may only be charged against the workmen themselves and in no case and for no reason collected from the members of his family. Nor shall such debts be paid by the taking of more than the entire wages of the workman for any one month.

XXV. No fee shall be charged for finding work for workmen by municipal offices, employment bureaus or other public or private agencies.

XXVI. Every contract of labor between a Mexican citizen and a foreign principal shall be legalized before the competent municipal authority and viséed by the consul of the nation to which the workman is undertaking to go, on the understanding that, in addition to the usual clauses, special and clear provisions shall be inserted for the payment by the foreign principal making the contract of the cost to the laborer of repatriation.

XXVII. The following stipulations shall be null and void and shall not bind the contracting parties, even though embodied in the contract:

(a) Stipulations providing for inhuman day's work on account of its notorious excessiveness, in view of the nature of the work.

(b) Stipulations providing for a wage rate which in the judgment of the Board of Conciliation and Arbitration is not remunerative.

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(c) *Stipulations providing for a term of more than one week before the payment of wages.*

(d) *Stipulations providing for the assigning of places of amusement, eating places, cafes, taverns, saloons or shops for the payment of wages, when employees of such establishments are not involved.*

(e) *Stipulations involving a direct or indirect obligation to purchase articles of consumption in specified shops or places.*

(f) *Stipulations permitting the retention of wages by way of fines.*

(g) *Stipulations constituting a waiver on the part of the workman of the indemnities to which he may become entitled by reason of labor accidents or occupational diseases, damages for breach of contract, or for discharge from work.*

(h) *All other stipulations implying the waiver of any right vested in the workman by labor laws.*

XXVIII. *The law shall decide what property constitutes the family patrimony. These goods shall be inalienable and shall not be mortgaged, nor attached, and may be bequeathed with simplified formalities in the succession proceedings.*

XXIX. *Institutions of popular insurance²⁰ established for old age, sickness, life, unemployment, acci-*

²⁰ In the desire to adhere as closely as possible to the original, the term "popular insurance" has been used. It would seem, however, that in making use of the expression "*Seguros Populares*," it was intended to convey the full connotation of the term "Social Insurance." (See "Social Insurance," Seager, 1910.)

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dent and others of a similar character, are considered of social utility; the Federal and State Governments shall therefore encourage the organization of institutions of this character in order to instill and inculcate popular habits of thrift.

XXX. *Coöperative associations for the construction of cheap and sanitary dwelling houses for workmen shall likewise be considered of social utility whenever these properties are designed to be acquired in ownership by the workmen within specified periods.*

TITLE VI

Of General Provisions

Art. 117. All powers not expressly vested by this Constitution in the Federal authorities are understood to be reserved to the States.

Art. 118. No person shall hold at the same time two Federal offices or one Federal and one State elective office; if elected to two, he shall choose between them.

Art. 119. No payment shall be made which is not included in the budget or authorized by a law subsequent to the same.

Art. 120. The President of the Republic, the Justices of the Supreme Court, Representatives and other public officials of the Federation who are chosen by popular election shall receive a compensation for their services, which shall be paid by the Federal Treasury and deter-

TITLE VII

Of General Provisions

Art. 124. [Identical]

Art. 125. [Identical]

Art. 126. [Identical]

Art. 127. The President of the Republic, the Justices of the Supreme Court, Representatives and Senators and other public officials of the Federation who are chosen by popular election shall receive a compensation for their services, which shall be paid by the Federal Treasury

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mined by law. This compensation may not be waived, and any law increasing or decreasing it shall have no effect during the period for which the functionary holds office.

Art. 121. Every public official, without exception, shall, before entering on the discharge of his duties, take an oath to maintain this constitution and the laws arising hereunder.

Art. 122. In time of peace no military authorities shall exercise other functions than those bearing direct relation to military discipline. No permanent military posts shall be established other than in castles, forts and arsenals depending directly upon the Federal Government, or in camps, barracks, or depots, established outside of inhabited places for the stationing of troops.

Art. 123. The Federal authorities shall have **exclusive** power to exercise, in matters of religious worship and outward ecclesiastic forms, such intervention as by law authorized.

Article 1. The church and the state are independent of each other. Congress shall not enact laws establishing or forbidding any religion.

Art. 2. Marriage is a civil contract. Marriage and all other acts relating to the civil status of persons shall appertain to the exclusive jurisdiction of the civil authorities in the manner and form provided by law,

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and determined by law. This compensation may not be waived, and any law increasing or decreasing it shall have no effect during the period for which the functionary holds office.

Art. 128. Every public official, without exception, shall, before entering on the discharge of his duties, make an *affirmation* to maintain this constitution and the laws arising thereunder.

Art. 129. [Identical]

Art. 130. The Federal authorities shall have power to exercise in matters of religious worship and outward ecclesiastical forms such intervention as by law authorized. All other officials shall act as auxiliaries to the Federal authorities.

The Congress shall not enact any law establishing or forbidding any religion whatsoever.

Marriage is a civil contract. Marriage and all other acts relating to the civil status of individuals shall appertain to the exclusive jurisdiction of the civil authorities in the manner and form by law provided, and they

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and they shall have the force and validity given to them by said laws.

Art. 3. No religious institutions shall acquire real estate or capital secured by mortgage on the same, except only in the case set forth in article 27 of the Constitution.

Art. 4. A simple promise to tell the truth and to comply with obligations entered into, shall take the place of the religious oath with all its effects and penalties. [*Articles 1-4 are amendments of September 25, 1873.*]

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shall have the force and validity given them by said laws.

A simple promise to tell the truth and to comply with obligations contracted shall subject the promisor, in the event of a breach, to the penalties established therefor by law.

The law recognizes no juridical personality in the religious institutions known as churches.

Ministers of religious creeds shall be considered as persons exercising a profession, and shall be directly subject to the laws enacted on the matter.

The State legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds, according to the needs of each locality. Only a Mexican by birth may be a minister of any religious creed in Mexico.

No ministers of religious creeds shall, either in public or private meetings, or in acts of worship or religious propaganda, criticise the fundamental laws of the country, the authorities in particular or the Government in general; they shall have no vote, nor be eligible to office, nor shall they be entitled to assemble for political purposes.

Before dedicating new temples of worship for public use, permission shall be obtained from the Department of the Interior (Gobernacion); the opinion of the Governor of the respective State shall be previously heard on the subject. Every place of worship shall have a person charged with its care and maintenance, who shall be legally responsible for

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the faithful performance of the laws on religious observances within the said place of worship, and for all the objects used for purposes of worship.

The caretaker of each place of public worship, together with ten citizens of the place, shall promptly advise the municipal authorities as to the person charged with the care of the said place of worship. The outgoing minister shall in every instance give notice of any change, for which purpose he shall be accompanied by the incoming minister and ten other citizens of the place. The municipal authorities, under penalty of dismissal and fine, not exceeding 1,000 pesos for each breach, shall be responsible for the exact performance of this provision; they shall keep a register of the places of worship and another of the caretakers thereof, subject to the same penalty as above provided. The municipal authorities shall likewise give notice to the Department of the Interior through the State Governor, of any permission to open to the public use a new place of worship, as well as of any change in the caretakers. Gifts of personalty may be received in the interior of places of public worship.

Under no conditions shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be given credit or granted any other dispensation of privilege which shall have for its purpose the accrediting of the said studies in official institutions. Any au-

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thority violating this provision shall be punished criminally, and all such dispensation of privilege be null and void, and shall invalidate wholly and entirely the professional degree toward the obtaining of which the infraction of this provision may in any way have contributed.

No periodical publication which either by reason of its program, its title or merely by its general tendencies, is of a religious character, shall comment upon any political affairs of the nation, nor publish any information regarding the acts of the authorities of the country or of private individuals, in so far as the latter have to do with public affairs.

Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship.

No minister of any religious creed may inherit, either on his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purposes. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious creed or from any private individual to whom they are not related by blood within the fourth degree.

All real and personal property pertaining to the clergy or to religious institutions shall be governed, in so far as their acquisition by private parties is concerned, in

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conformity with Article 27 of this Constitution.

No trial by jury shall ever be granted for the infraction of any of the preceding provisions.

Art. 124. The Federal Government shall have exclusive power to levy duties on merchandise imported, exported or passing in transit through the national territory, as well as to regulate at all times, and if necessary to forbid for the sake of public safety or for police reasons, the circulation in the interior of the Republic of all kinds of goods, regardless of their origin; but the Federal Government shall have no power to establish or decree in the Federal District and Territories the taxes and laws to which Clauses VI and VII of Article iii refer. [*As amended May 1, 1896.*]

Art. 125. All forts, barracks, warehouses, and other real property, destined by the Federal Government for public service or common use, shall be under the jurisdiction of the Federal authorities, in accordance with the law which the Congress shall issue on the subject; any of these establishments which may subsequently be acquired within the territory of any State shall likewise be subject to Federal jurisdiction, provided consent thereto shall have been obtained from the respective State legislature. [*As amended October 31, 1901.*]

Art. 126. This Constitution and the laws of the United

Art 131. [Identical, with exception of the references which in the 1917 text are to "Clauses VI and VII of Art. 117."]

Art. 132. [Identical]

Art. 133. [Identical]

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States of Mexico which shall be made in pursuance hereof and all treaties made or which shall be made under the authority of the President of the Republic, with the approval of the Congress, shall be the supreme law of the land. And the judges in every State shall be bound by this Constitution and by these laws and treaties, anything in the Constitution or laws of any State to the contrary notwithstanding.

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Art. 134. *Bids shall be called for on all contracts which the Government may have occasion to enter into for the execution of any public works; these bids shall be submitted under seal and shall only be opened publicly.*

TITLE VII

Of the Amendments to the Constitution

Art. 127. The present Constitution may be added to or amended. No amendment or addition shall become part of the Constitution until agreed to by the Congress of the Union by a two-thirds vote of the members present and approved by a majority of the State legislatures. The Congress shall count the votes of the legislatures and make the declaration that the amendments or additions have been adopted.

TITLE VIII

Of the Amendments to the Constitution

Art. 135. [Identical]

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TITLE VIII

Of the Inviolability of the Constitution

Art. 128. This Constitution shall not lose its force and vigor, even though its observance be interrupted by rebellion. In case that through any public disturbance a Government contrary to the principles which it sanctions be established, its force shall be restored so soon as the people shall regain their liberty, and those who have participated in the Government emanating from the rebellion or have cooperated with it shall be tried in accordance with its provisions and with the laws arising under it.

TRANSITORY ARTICLE

The present Constitution shall be published at once and sworn to with the greatest solemnity throughout the whole Republic; but its provisions, except those relating to the election of the supreme powers, Federal and State, shall not go into effect until the sixteenth of September next, when the First Congress, under the Constitution, shall meet. On and after that date the President of the Republic and the justices of the supreme court, who shall continue in the exercise of their functions until their successors are constitutionally elected and enter into the discharge of their duties, shall act in strict accordance with the provisions of this Constitution.

TITLE IX

Of the Inviolability of the Constitution

Art. 136. [Identical]

TRANSITORY ARTICLES

Article 1. This Constitution shall be published at once and a solemn affirmation made to defend and enforce it throughout the Republic; but its provisions, except those relating to the election of the supreme powers, Federal and State, shall not go into effect *until the first day of May, 1917, at which time the Constitutional Congress shall be solemnly convened and the oath of office taken by the citizen chosen at the forthcoming elections to discharge the duties of President of the Republic.*

The provisions of Clause V of Article 82 shall not be applicable in the elections to be called in accordance with Article 2 of the Transitory Articles, nor shall active service in the army act as a

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Given at the Hall of sessions of Congress in the City of Mexico on the fifth of February, eighteen hundred and fifty-seven, the thirty-seventh of the Independence.

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disqualification for the office of representative or senator, provided the candidate shall not have active command of troops in the respective electoral district.

Nor shall the secretaries nor assistant secretaries of executive departments be disqualified from election to the next Federal Congress, provided they shall definitively resign from office on or before the day on which the respective call is issued.

Art. 2. The person charged with the executive power of the Nation shall immediately, upon the publication of this Constitution, call for elections to fill the Federal offices; he shall see that these elections be held so that Congress may be constituted within a reasonable time, in order that it may count the votes cast in the presidential elections and make known the name of the person who has been elected President of the Republic; this shall be done in order that the provisions of the foregoing article may be complied with.

Art. 3. The next constitutional term shall be computed, in the case of Senators and Representatives, from the first of September last, and in the case of the President of the Republic, from the first of December, 1916.

Art. 4. Senators who in the coming election shall be classified as "even" shall serve only two years, in order that the Senate may be renewed by half every two years.

Art. 5. The Congress shall in the month of May next choose the Justices of the Supreme Court in

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order that this tribunal may be constituted on the first day of June, 1917.

In these elections, Article 96 shall not govern in so far as the candidates proposed by the State Legislatures are concerned; but those chosen shall be designated for the first term of two years prescribed by Article 94.

Art. 6. The Congress shall meet in extraordinary session on the fifteenth day of April, 1917, to act as an electoral college, for the computing of the ballots and the determination of the election of President of the Republic, at which time it shall make known the results; it shall likewise enact the organic law of the Circuit and District Courts, the organic law of the Tribunals of the Federal District and Territories, in order that the Supreme Court of Justice may immediately appoint the Inferior and Superior District and Circuit Judges; at the same session the Congress shall choose the Superior Judges and Judges of First Instance of the Federal District and Territories, and shall also enact all laws submitted by the Executive. The Circuit and District Judges and the Superior and Inferior Judges of the Federal District and Territories shall take office not later than the first day of July, 1917, at which time such as shall have been temporarily appointed by the person now charged with the executive power of the nation shall cease to act.

Art. 7. For this occasion only, the votes for the office of Senator shall be counted by the Board of the First Electoral District of each

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State or of the Federal District which shall be instituted for the counting of the votes of Representatives. This Board shall issue the respective credentials to the Senators-elect.

Art. 8. *The Supreme Court shall decide all pending petitions of "amparo," in accordance with the laws at present in force.*

Art. 9. *The First Chief of the Constitutionalist Army, charged with the executive power of the Nation, is hereby authorized to issue the electoral law according to which, on this occasion, the elections to fill the various Federal offices shall be held.*

Art. 10. *All persons who shall have taken part in the Government emanating from the rebellion against the legitimate government of the Republic, or who may have given aid to the said rebellion and later taken up arms or held any office or commission of the factions which have opposed the constitutionalist government, shall be tried in accordance with the laws at present in force, unless they shall have been previously pardoned by the said constitutionalist government.*

Art. 11. *Until such time as the Congress of the Union and the State Legislatures shall legislate on the agrarian and labor problems, the bases established by this Constitution for the said laws shall be put into force throughout the Republic.*

Art. 12. *All Mexicans who shall have fought in the ranks of the constitutionalist army and their children and widows and all other persons who shall have*

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rendered service to the cause of the revolution, or to public instruction, shall be preferred in the acquisition of lots to which Article 27 refers, and shall be entitled to such rebates as the law shall determine.

Art. 13. *All debts contracted by working men on account of work up to the date of this Constitution with masters, their subordinates and agents, are hereby declared wholly and entirely discharged.*

Art. 14. *The Departments of Justice and of Public Instruction and Fine Arts are hereby abolished.*

Art. 15. *The citizen at present charged with the executive power is hereby authorized to issue the law of civil responsibility applicable to all promoters, accomplices and abettors of the offenses committed against the constitutional order in the month of February, 1913, and against the Constitutionalist Government.*

Art. 16. *The Constitutional Congress in the regular period of sessions, to begin on the first day of September of the present year, shall issue all the organic laws of the Constitution which may not have been already issued in the extraordinary session to which Transitory Article number 6 refers; and it shall give preference to the laws relating to personal guarantees and to Articles 30, 32, 33, 35, 36, 38, 107 and the latter part of Article 111 of this Constitution.*

Signed at Querétaro de Arteaga, January 31, 1917.

NOTES

Art. 3, Line 2—secular. It should be noted in this connection that public instruction imparted in the public schools of Mexico for the past thirty years has been largely dominated by the positivist theories of Auguste Comte, as applied by Dr. Gabino Barrera, a noted Mexican educator.

Art. 3, Line 2—primary. The educational system in Mexico is patterned in the main after the French. There are, accordingly, no high schools as these exist in the United States. Primary instruction is regulated by the federal government in the federal district and territories and by the states, and is generally subdivided into lower ("elemental") covering four years and higher ("superior"), comprising the fifth and sixth years. From here pupils graduate to the "Escuela Nacional Preparatoria"—an institution whose curriculum embraces high school and collegiate studies as given in the United States—prior to entering the professional schools of law, medicine, engineering, etc.

Art. 21, Line 4 and Art. 73, VI, 5—Public Attorney "Ministerio Público." As it exists today, this institution dates back to the fourteenth century. Its duty is to see that the law is carried out, and it is, theoretically at least, independent of the judiciary. An important characteristic is that it does not require, as in the common law, any indictment or complaint before acting. Its most important function is in criminal cases where it is bound to prosecute all criminal offences, excepting only certain offences of a personal nature, such as slander, adultery, etc. In civil suits, its powers are more restricted and discretionary, although it is called upon to intervene in cases involving status, minors, bankruptcies, etc. In a word, it represents society.

Art. 24, Line 7—discharging in one instance. This ancient practice differed from the Scottish verdict of "not proven," where only moral stigma attached, in that a reasonable presumption of guilt in first instance rendered the accused liable to a second trial if further evidence developed later.

Art. 27, Line 6—Public Utility. While the term "public utility" may be somewhat misleading, it is felt that "public use" may be even more so. The same expression ("*Por causa de utilidad pública*") is to be found in the 1857 Constitution, and has always been interpreted by the courts of Mexico in the sense of public interest, as in the case of land expropriated for the surface work of a mine, etc.

Owing to the importance that may attach to the changes made in the 1917 text, the original Spanish in each case is given:

"Art. 27. *La propiedad de las personas no puede ser ocupada sin su consentimiento, sino por causa de utilidad pública y previa indemnización*" (1857).

"Art. 27. . . . *Esta (la propiedad privada) no podrá ser expropiada sino por causa de utilidad pública y mediante indemnización*" (1917).

Art. 27, Line 28—Decree of January 6, 1915. This decree, promulgated by Carranza under this date, declares null and void all alienations of lands, waters and forests made by the Mexican government or any inferior authorities thereof after December 1, 1876 which shall have illegally comprised properties formerly belonging to, or occupied by, Indian communal settlements. The decree further grants these settlements the right to demand the restoration of these properties, and provides that the case be heard before the agrarian commissions or other administrative authorities, without any judicial recourse whatsoever, except only to demand the payment of an indemnity, in case the decision ordering such restoration be later invalidated by the courts.

Art. 27, 1, Line 13—Zone. The principle restricting the right of foreigners to acquire real property within certain zones dates back many years and has found expression in several legislative enactments, among others the Mining Law of which went into effect on January 1, 1910. The text of the 1917 Constitution broadens considerably the scope of these limitations. The general rule hitherto obtaining in Mexico had been that foreigners might acquire real property within the prohibited zones on obtaining special permission from the executive; but the new constitutional provision establishes a principle of absolute prohibition.

Art. 27, III, Line 11—dependents. The word in the original ("*asimilados*") would certainly cover the English term *tertiaries*, or members of the third or worldly orders, Franciscan, Dominican, etc.; but it is apparently sufficiently sweeping to embrace societies of the laity not necessarily bound by religious vows, as for instance, the Knights of Columbus in the United States, and even persons serving in any religious ceremony, such as *acolytes*, etc.

Art. 27, VII, Line 38—Law of June 25, 1856. This measure is known as the "disamortization law." It provided for the taking of the numerous real properties (landed estates, buildings, etc.) belonging to convents and other religious communities, Indian settlements, etc., and their disposition among private individuals. This was effected in various ways, as for example by adjudicating these properties among the tenants, who were, however, held to acknowledge an indebtedness for their value and to pay the prior owner an annual interest, with the right of redemption. In the absence of a tenant, the properties were auctioned and the purchaser assumed an obligation in favor of the owner, as in the preceding case. The law in question contained many other provisions, but these suffice to show the important place it occupies in the law of real property in Mexico.

Art. 27, VII (f). Although this section embodies principles very similar to the "homestead" laws, it has not been deemed advisable to use this expression. The juridical conception of the "homestead" has no exact replica in the civil law, while the analogous term "*patrimonium*" embraces more than the common law "homestead."

Art. 27, VII, Line 6—1876. This year marks the beginning of the first presidential term of General Porfirio Diaz, which brought the first large influx of foreign capital.

Art. 33 of 1917. This wording follows the underlying principles of the 1857 Constitution, with the important change of the class of aliens affected. By the 1857 Constitution expulsion was possible only in the case of "undesirable" ("*perniciosos*") aliens, while the 1917 text makes the provision applicable to any alien whose presence the executive may deem "inexpedient" ("*inconveniente*").

Art. 72, XXIV—Office of the Comptroller of the Treasury. The "Contaduría Mayor," established by the act of June 6, 1904, is a bureau directly dependent upon the House of Representatives. Its purpose is to examine and audit the accounts submitted by the Treasurer of the Nation. The office extends its audit even to the acts of secretaries of executive departments, in matters pertaining to the expenditure of public funds. If it is proved that the expenditure was authorized and legally made, the "Contaduría Mayor" releases the official from all liability thereunder; if not, it is incumbent upon it to advise the proper functionary so that the corresponding liability may be exacted. The House of Representatives finally passes upon all governmental expenditures, on the basis of the report submitted by the "Contaduría Mayor."

Art. 107—Amparo. This unique feature of Mexican jurisprudence combines the essential elements of the extraordinary writs of *habeas corpus*, *certiorari* and *mandamus*. It is a federal procedure designed to give immediate redress when any of the fundamental rights of man are infringed by any authority, irrespective of category, or to excuse the obedience of a law or decree which has invaded the federal or local sphere. Its use is most extensive, embracing minors, persons absent abroad acting through a "next friend," corporations, etc. An important feature is that it merely gives redress to a *specific* person or entity, and never makes any general statement of law. It could, hence, never declare a law unconstitutional, though it would give immediate relief, so soon as the law in question acted upon any person.

Art. 130—Interior. Although the term "Gobernación" is correctly translated by "Interior," it should be noted that the jurisdiction of these executive departments in Mexico and the United States is wholly different. To "Gobernación" pertain all matters of relationship between the federal and state governments, elections, etc.

Art. 130. The "Leyes de Reforma" constitute a group of organic laws which, as their name indicates, aimed to bring about certain social reforms, foremost among which was the complete separation of church and state. They represent the outgrowth of that movement, one of whose chief manifestations was the Constitution of 1857, although not incorporated in that document. The most important and radical provisions of these laws were enacted in 1859 while the Liberal Government was established at Vera Cruz. They were consolidated into a single law enacted during the presidency of Sebastian Lerdo de Tejada, under date of December 14, 1874. Its provisions form the basis of articles 3, 5, portions of 27, and Art. 130 of the Constitution of 1917, but many sweeping innovations have been introduced.